

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4788 of 2015

Govind Koushik, S/o Ram Kumar Koushik, aged about 34 years, R/o Village Bavali, P.S. Pathariya, District Mungeli (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, P.S. Pathariya, District Mungeli (C.G.)

---- Non-applicant

For Applicant:	Mr. Uttam Pandey, Advocate.
For Non-applicant:	Mr. Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

14/09/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.181/2015, registered at Police Station Pathariya, Distt. Mungeli, for the offence punishable under Sections 34 (1) (a), 34 (2) and 59-A of the Chhattisgarh Excise Act, 1915.
2. Case of the prosecution, in brief, is that the applicant was found in possession of 66.600 bulk litres of liquor without valid authority of law.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the crime in question. There is serious discrepancy in the investigation and charge-sheet submitted and as such, the applicant has been arrested on 3-8-2015 in which charge-sheet has been filed. He further submits that possession from where the liquor has been seized, has not been established.
4. On the other hand, learned State counsel opposes the application stating that huge quantity of liquor has been seized from the possession of the applicant without authority of law.

5. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, the provisions contained in Section 59-A (ii) of the Chhattisgarh Excise Act, 1915 and huge quantity of liquor that has been seized, I am not inclined to grant regular bail to the applicant. The application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma