

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6047 of 2015

Dauram Yadav, S/o. Manharan Yadav, Aged About 37 Years, R/o. Village Dargaon, Thana & Tahsil Dhamdha, Civil & Rev. Distt. Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Excise Officer Excise Special Circle Durg, Distt. Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Sumit Shrivastava, Advocate

For Respondent : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.11/2015-16 registered at Police Station- Excise Officer Excise Special Circle Durg, District Durg (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. Case of the prosecution is that on 22.08.2015 the Excise Officer of Excise Special Circle Durg on a raid being made seized about 277.56 bulk liters of country made liquor from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the respective seizure was not in the exclusive possession of the applicant; therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. I have heard learned counsel for the parties and perused the case diary.
6. Having regard to the fact and after going through the documents prima facie it appears that from the possession of the applicant 277.56 bulk liters of country made liquor was seized and considering the quantity of the seized liquor, at this stage, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge