

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2686 of 2015**

Hemant Kumar Yadav, Son of Shri Ramswarup Yadav, aged about 32 years, resident of Village Hanoda, P.S. Utai, Tahsil and District Durg, Civil and Revenue District Durg (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through Excise Police, District Durg(C.G.)

---- Non-applicant

For Applicant	:	Shri Avinash Chand Sahu, Advocate
For Non-applicant	:	Ms. Anusuiya Rajput, Panel Lawyer for the State.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****13/07/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.45/2015 registered at Police Station Excise Office Durg Excise Circle Internal South, Durg, District Durg (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

(2) Case of the prosecution, in brief, is that 8.100 bulk liters of illicit liquor was seized from the possession of the present applicant and

thereby committed the aforesaid offence.

(3) Learned counsel appearing for the applicant submits that the applicant has been falsely implicated in the crime in question as no liquor has been seized from the possession of the present applicant. He would further submit that the applicant is in jail since 19.05.2015 and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) I have heard learned counsel for the parties and perused the case diary.

(6) Considering the totality of the facts, in particular, the criminal antecedents of the applicant; and in view of the provisions contained in Section 59-A(ii) of the Chhattisgarh Excise Act, 1915; and the quantity of liquor seized from the possession of the present applicant, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-