

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3089 of 2015

- Tarachand Patel, S/o Jailal Patel, aged about 40 years, Caste Aghriya, R/o Village Budhudongar, Thana & Tah. Saraypali, Civil and Revenue District Mahasamund (CG).

---- Applicant

Versus

- State of Chhattisgarh Through : Excise Sub Inspector, State Flying Squad, Raipur, Distt. Raipur (CG) (Wrongly mentioned in order sheet as P.S. Saraypali).

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal, Advocate.
For Respondent/State	:	Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

6/7/2015

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail, who has been arrested on 15-5-2015 in connection with Crime No. 94/2015 registered at Police Station Excise Sub Inspector, State Flying Squad, Raipur (CG) for the offence punishable under Section 34(1)(A) (2) of the Chhattisgarh Excise Act.
2. The case of the prosecution, in brief, is that the applicant was found in possession of 56.940 bulk liters of country made and foreign liquor without any authority of law.
3. Learned counsel appearing for the applicant would submit that the present has not committed any offence and he has been falsely implicated in the case, nothing has been seized from the possession of the applicant. He would further submit that charge-sheet has been filed and the applicant and is in jail since 15-5-2015, therefore, he may be released on bail.
4. On the other hand, learned counsel appearing for the State opposing the bail application would submit that the aforesaid liquor was seized from the present applicant, therefore, he is not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, the huge quantity of the liquor and in view of the provisions of Section 59 -A (ii) of the Act, I am not inclined to grant bail to the applicant.
7. Accordingly, the instant M.Cr.C. is liable to be and is hereby rejected.

Sd/-

(Sanjay K. Agrawal)

Judge

Raju