

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C.No. 3101 of 2015**

- Kishan Sagar, aged about 23 years, s/o. Bodo Sagar, occupation-Labour r/o. Near Shantoshi Mandir Nehru Nagar, Kotwali, Raipur, Civil & Revenue District Raipur (CG).

**---- Applicant**

**Versus**

- State of Chhattisgarh Through : P.S. Kotwali, District Raipur (CG).

**---- Respondent**

---

|                      |   |                                    |
|----------------------|---|------------------------------------|
| For Applicant        | : | Mr. C.R. Sahu, Advocate.           |
| For Respondent/State | : | Mrs. Anasuya Rajput, Panel Lawyer. |

---

**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order On Board**

**16/7/2015**

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 7-6-2015 in connection with Crime No. 168 of 2015 registered at Police Station Kotwali, District Raipur (CG) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. The case of the prosecution, in brief, is that the applicant was found in possession of 5.400 bulk liters of country made 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 7-6-2015, 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. Apart from this, some criminal cases have been registered against the

applicant which are still pending consideration, 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 quantity of the liquor, in view of the provisions of Section 59 -A (ii) of the Act and further considering the criminal antecedents of the applicant, 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