

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3212 of 2015

- Kamal Narayan Sahu S/o Manik Ram Sahu Aged About 42 years R/o Village-Tarighat, Police Station & Post Office-Rajim, District-Gariyaband (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station-Rajim, District-Gariyaband, Chhattisgarh

---- Respondent

For Applicant:	Shri Shivendu Pandya, Advocate.
For Respondent/State:	Shri Vivek Singhal, Panel Lawyer

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.19/2015 registered at Police Station – Rajim, District-Gariyaband for the offence punishable under Section 34(2) of the CG Excise Act.

(2) Case of the prosecution, in brief, is that 54 bulk liters of illicit liquor was seized from the possession of the present applicant and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that applicant has falsely been implicated in the crime in question as no liquor has been seized from the possession of the present applicant. He would further submit that applicant is in jail since 21.04.2015 and, therefore, the applicant may be released on bail.

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

(5) Considering the totality of the facts, in particular, the provisions contained in Section 59-A(ii) of the C.G. Excise Act, 1915; and looking to huge quantity of liquor; 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

D/-