

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4024 of 2015**

1. Ramakant S/o Shri Sukhchand Banjare, aged about 22 years,
2. Harish Chandra S/o Shri Munna Kurre, both are resident of Village Sambalpur, Police Station Nandghat, District Bemetara (CG)

---Applicants**Versus**

State of Chhattisgarh, Through: Station House Officer, Police Station:
Nandghat, District: Bemetara (CG)

---Non-applicant

For Applicants	:	Mr. Sushil Dubey, Advocate
For Non-applicant	:	Mr. Neeraj Pradhan, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/08/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.79/2015, registered at Police Station-Nandghat, Distt.Bemetara (CG), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that the present applicants along with other four co-accused persons were found in possession of 333 bulk liters of country-made liquor.
3. Learned counsel for the applicants submits that the applicants have not committed any offence and they have been falsely implicated in offence in question. No seizure was made against the present applicants and they are in jail since 20.4.2015.
4. On the other hand, learned State counsel opposes the bail application and submits that the applicants become absconded after the incident, as such, they are not entitled to release on regular bail.

5. After hearing learned counsel appearing for the parties and taking into consideration the nature and gravity of offence; quantity of liquor i.e. 333 bulk liters of country-made liquor, which is said to be involved in offence in crime; and further taking into consideration the provisions contained in Section 59-A(ii) of the Chhattisgarh Excise Act, this Court is not inclined to release the applicants on regular bail.

6. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

7. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-