

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5878 of 2015

Ashwani Verma (Lodhi) S/o Ramu Ram Verma Aged About 27 Years
R/o Jhulana Kala, P.S. Pathariya, District Mungeli Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Pathariya, District
Mungeli Chhattisgarh.

---- Respondent

For applicant – Shri Uttam Pandey, Advocate.
For Respondent/State – Shri Vinod Tekam, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

19/11/2015

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 185/2015 registered in Police Station Pathariya, District Mungeli (C.G.) for offence punishable under Section 34 (1) (A), 34 (2) & 59 (A) of Excise Act.
2. As per the prosecution case on 7/08/2015 on a secret information received that applicant along with other has kept illegal liquor by concealing it in the field, area was cordoned and thereafter quantity of 957.6 bulk liters of liquor were recovered from the field and applicant fled away from the scene.
3. Learned counsel for the applicant submits that applicant was not present at the time of seizure and no witness has supported the case and similarly placed co-accused has been granted anticipatory bail by the

coordinate bench of this court as supporting evidence were absent and therefore applicant may also be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail and went through the statement of Sudhir Dhruv, Sarpanch, Jawaharlal Kotwar and Lodhiram land owner and submits that according to the statement of these witnesses the said land and the pump house where from liquor was seized was in possession of the present applicant, therefore considering the huge quantity of liquor which has been seized, applicant is not entitled for grant of bail.

5. I have gone through the statement of Sudhir Dhruv Sarpanch, Jawaharlal Kotwar and Lodhiram land owner. According to such statement pump house where from huge quantity of liquor was recovered key was kept with the applicant and considering the statement of Sudhir Dhruv, Jawaharlal and Lodhiram direct allegation have been attributed against this applicant, his case is different from that of another co-accused who has been granted bail. Considering the huge quantity of liquor which has been seized, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE