

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6668 of 2015

Balram Soni, S/o. Basant Soni, Aged About 30 Years, Occupation Driver,
R/o. Village Bemcha, Ward No. 13, Thana & Tahsil Mahasamund, Civil &
Rev. Distt. Mahasamund, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Excise Circle Mahasamund, Distt.
Mahasamund, Chhattisgarh

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.89/2015 registered at Police Station Excise Circle Mahasamund (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. Case of the prosecution, in brief, is that on 24.10.2015 the Police of Excise Circle Mahasamund on a secret information made a search and total 1062 bulk liters of illegal country made liquor was recovered from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant was holding a permit but it was for the other place and the incident happened during the transit when a search was made, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. I have heard learned counsel for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case, prima facie it appears that from the possession of the applicant total 1062 bulk liters of country made liquor was seized, therefore, taking into the quantity of the seized liquor, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge