

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4821 of 2015**

- Gulam Mustafa, S/o Sameer Khan, aged about 40 years, R/o Amraiya para Korba, Chowki Manikpur, Tahsil & District Korba, Civil & Revenue District Korba (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through the District Magistrate, Korba (Excise Circle Dipka), Distt. Korba (C.G.)

---- Non-applicant

For Applicant:	:Mr. S.R.J. Jaiswal, Advocate.
For Non-applicant/State	:Mr. Arvind Dubey, PL

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****14/09/2015**

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. 95/2015 registered at Police Station Excise Circle Dipka, District Korba (C.G.) for the offences punishable under Sections 34(1)(a), 34(1)(b), 34(2) & 59(a) of Chhattisgarh Excise Act.

(2) Case of the prosecution, in brief, is that 224.640 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 he has not committed any offence. He would further submit that applicant is in jail since 25.07.2015 and the charge sheet has already been filed 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 seized from the possession of the applicant; 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/-