

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5375 of 2015**

- Jeevan Soni, S/o Ganesh Ram Soni, aged 52 years, R/o Village Bar Nayapara, Police Station -Rajadevri, District -Balodabazar, Revenue District Baloda Bazar (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh, through Station House Officer, Police Station – Patewa, Mahasamund (CG)

---- Non-applicant

For Applicant: Mr. Rajeev Shrivastava & Mr. Malay Shrivastava, Advocate.

For Respondent/State: Mr. Varun Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****08/10/2015**

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.116/2015 registered at Police Station Pateva, District Mahasamund for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

(2) Case of the prosecution, in brief, is that the applicant was found transporting 837 bulk liters of liquor without authority of law.

(3) Counsel for the applicant submits that applicant is simply part time driver of the Tata Magic from whom the liquor was

seized and he was driving the said vehicle on a particular date i.e. 2.8.2015 and, as such, the applicant is in custody since 2.8.2015 and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State would submit that applicant was found transporting the vehicle, in which, the liquor was being transported and, therefore, the applicant is not entitled to be released on bail.

(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 the manner in which the applicant was found transporting huge quantity of liquor in the said vehicle, 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/-