

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5652 of 2015**

1. Mantosh Chaudhary S/o Virendra Chaudhary, aged about 23 years, at present residing at Birgaon, Durga Nagar, P.S. Urla, Raipur, District Raipur (CG)
2. Mohd. Tanveer Ajam S/o Mohd. Mazhar Hussain, aged about 25 years, at present R/o Gandhi Nagar, Ward No.25, Birgaon, P.S. Urla, Raipur, District Raipur (CG)

---Applicants**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Nandghat, District-Bemetara (CG)

---Non-applicant

For Applicants	:	Mr. C.R.Sahu, Advocate
For Non-applicant	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****15/10/2015**

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No.276 of 2015, registered at Police Station-Nandghat, District-Bemetara (CG), for the offence punishable under Sections 34(1) (A), 34(2) and 47A of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that the applicants were found in possession of 172.80 bulk liters of foreign liquor.
3. Learned counsel for the applicants submits that the applicants are innocent persons and they have falsely been implicated in the case, and therefore, they may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submit that bail application of co-accused Chintu Kumar Singh and Yashwant Singh have been rejected by this Court vide order dated 12.10.2015 passed in M.Cr.C.No.5395 of 2015.

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, role of the applicants and their case is similar to Chintu Kumar Singh and Yashwant Singh, whose bail application has been rejected, I am of the opinion that present is not a fit case, in which, the applicants should be enlarged on regular bail.

6. Accordingly, the 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/-