

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 699 of 2016**

1. Buddh Deo Banjare S/o Late Puranik Banjare aged about 28 years

2. Bhagchand Gayakwad S/o Bipchand Gayakwad aged about 42 years

Both R/o village Amethi Police Station Arang District Raipur C.G.

---Applicants

Versus

State of Chhattisgarh through Station House Officer Police Station Arang District Raipur C.G.

---Non-applicant

For Applicants	:	Mr. C.R. Sahu, Advocate
For Non-applicant	:	Mr. Suvigya Awasthy, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

23/02/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No. 17/2016, registered at Police Station Arang District Raipur (C.G.), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

2. Case of the prosecution in brief is that, applicants were found in possession of 86.400 bulk liters of illicit liquor and thereby

committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicants have not committed any offence and have been falsely implicated in the offence in question. He would further submit that there is no seizure from applicant No.2. He would lastly submit that applicants are in jail since 14/01/2016, therefore, they may be released on bail.

4. Learned State counsel would oppose the prayer for grant of bail and submit that applicant No.1 has kept liquor in the house of applicant No.2.

5. Taking into consideration the facts and circumstances of the case; nature and gravity of offence; quantity of liquor i.e. 86.400 bulk liters seized from the applicants; and further taking into consideration the provisions contained in Section 59-A(ii) of the Chhattisgarh Excise Act, this Court is not inclined to release the applicants on regular bail.

6. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

7. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE