

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1877 of 2016**

Komeshwar Prasad, aged 19 years, S/o Shri Hemlal Sonwani, aged 19 years, S/o Shri Hemlal Sonwani, R/o Qt. No. 19-A, Street No.15, Sect. 2, Bhilai, P.S. Kotwali, Civ. & Rev. Distt- Durg (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh: Through : P.S. Nevra, Civ: & Rev: Distt: Raipur (C.G.)

-----Non-applicant

For Applicant: Ms. Arpana Singh, Advocate.
For Non-applicant/State: Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/04/2016**

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.19/2016 registered at Police Station Nevra. Distt: Raipur for the offence punishable under Section 34(2) of the Excise Act.

(2) Case of the prosecution, in brief, is that 72 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

12.01.2016 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; 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/-