

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1851 of 2016**

- Khamhan Patel, son of Shiv Govind, aged about 57 years, R/o. Bhalukona, P.S. Kasdol, District Balodabazar-Bhatapara (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through : The Station House Office, Police Station Kasdol, District Balodabazar-Bhatapara (C.G.)

---- Non-applicant

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

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****06/04/2016**

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. 87/2015 registered at Police Station Patewa, Distt. Mahasamund for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

(2) Case of the prosecution, in brief, is that 72 bulk liters of illicit liquor was seized by the police from the present applicant.

(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 07.03.2016 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.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-