

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2187 of 2016**

Rajesh Dhritlahare S/o Shri Faguaram Dhritlahare Aged About 30 Years R/o Village Piparlod, Police Station And Tahsil Pathariya And District Mungeli Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station And Tahsil Pathariya And District Mungeli Chhattisgarh.

---Non-applicant

For Applicant	:	Mr. Vijay Deshmukh, Advocate.
For-Non-applicant	:	Ms. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****25/04/2016**

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 applicant who has been arrested in connection with Crime No. 53/2016, registered at Police Station Pathariya, District Mungeli (C.G.), for the offence punishable under Sections 34(1)(a), 59(a) of the Excise Act.
2. Case of the prosecution, in brief, is that the applicant was found in possession of 99.00 Bulk liters of liquor without authority of law.
3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the case. He would further submit that applicant is in jail since 02.03.2016 and no useful purpose would be served by keeping him in jail. He would lastly submit that charge sheet has been filed and the case is triable by the Magistrate, therefore, he may be released on bail.

4. Learned State counsel would oppose the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; the role and recovery of 99.00 bulk liters of liquor from the possession of the applicant, and the conditions incorporated in Section 59-A(ii) of the CG Excise Act, 1915, this Court is not inclined to release the applicant on regular bail.
7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.
8. Certified copy as per rules.

Sd/
(Sanjay K. Agrawal)
JUDGE

S/-