

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4141 of 2016

Dhalsingh @ Chotu, S/o. Shiv Kumar Sahu, Aged About 25 Years, R/o. Sargaon, P.S. Dhamdha, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Station Bemetara, District Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Surendra Kumar Dewangan, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.204/2016 registered at Police Station- Bemetara, District Bemetara (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act.
2. Case of the prosecution, in brief, is that on 10.06.2016 on information received that the applicant is in possession of illegal liquor alongwith the co-accused Heerabai Pardhi and were trying to sell, the house of Heerabai was raided and total 45,000 bulk liters of country made liquor were seized and the applicant who was alongwith the vehicle bearing No.C.G.05 F 0158 who was to load the same, when the raid was made, he fled away from the scene.
3. Learned counsel for the applicant would submit that the liquor was not seized from the person of the applicant and it was seized from the house of Heerabai, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents and the statement. Prima facie, the case diary and the documents would show that the applicant while in process of transporting the illegal country made liquor fled away while the raid was made. Considering the quantity of seized liquor, at this stage, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge