

MCRC No. 3927 of 2016

- Jagmohan S/O Shri Tijlal Satnami Aged About 26 Years By Caste Satnami, R/O Village Chorha, Navagaon, Police Station Simga, District Baloda Bazar - Bhathapara Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Simga, District Baloda Bazar-Bhathapara Chhattisgarh.

---- Respondent

For Applicant : Mr. Amit Singh, Advocate

For Respondent/State : Mrs. Shobsha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.07.2016

1. This is 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 on 8-6-2016 in connection with Crime No. 128 of 2016 registered at Police Station Simga, District Balodabazar-Bhatapara (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.
2. As per the prosecution case, on information being received that the applicant was carrying the illicit liquor in tractor-trolley, a raid was conducted by the police party and on apprehension, the applicant fled away from the spot and 120.780 bulk liters of illicit liquor was seized.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, no seizure was made in person from the applicant and seizur was made from

open place from the tractor-trolley which was standing in abandoned condition. He would further submit that charge-sheet has been filed in this case, the applicant in jail since 8-6-2016 and no further investigation is required, therefore, he may be released on bail.

4. *Per contra*, learned State counsel opposing the bail application would submit that there is sufficient evidence to connect the applicant with the crime in question.
5. I have heard learned counsel for the parties and perused the case diary and other documents which would show that at the time of raid, the applicant was in possession of illicit liquor and on apprehension he fled away from the spot.
6. Taking into consideration the facts and circumstances of the case, evidence collected so far by the prosecution, considering the statements of the witnesses and in view of the huge quantity of illicit liquor which has been recovered from the applicant, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed by the applicant under Section 439 of the Cr.P.C, is liable to be and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Raju