

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1268 of 2016

1. Umesh Pamnani s/o. Shri Shyamlal Pamnani aged about 30 years r/o Ashok Nagar Sarkanda, Thana Sarkanda, Tahsil Bilaspur, Civil & Revenue District Bilaspur, Chhattisgarh.
2. Akash Tahalyani s/o. Shri Manohar Lal aged about 24 Years r/o. Near Uslapur Over Bridge, Thana Civil Lines Bilaspur, Tahsil Bilaspur, Civil & Revenue District Bilaspur, Chhattisgarh.
3. Manish Jigyasi s/o. Shri Goverdhan Das aged about 21 years r/o. Sindhi Colony, Kasturba Nagar Bilaspur, Thana Civil Lines Bilaspur, Tahsil Bilaspur, Civil & Revenue District Bilaspur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kota, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Sudeep Agrawal, Advocate.
For Respondent	:	Mr. Sameer Behar, Panel Lakwyer

Hon'ble Shri Justice Inder Singh Uboweja

Order on Board

(09-03-2016)

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested on 4-2-2016 in connection with crime No.22 of 2016 registered at Police Station Kota, District Bilaspur (CG), for the offence punishable under Sections 34 (2) of the CG Excise Act.
2. The case of the prosecution, in brief, is that on 3-2-2016 the applicants were found in possession of 14.940 bulk litres of country made liquor and foreign liquor without any authority of law.
3. Learned counsel appearing for the applicants would submit that present applicants have been falsely implicated in the case, nothing has been seized from the possession of the applicants. He would further submit that the applicant is in jail since 4-2-2016, therefore, they may be released on bail.

4. On the other hand, learned counsel appearing for the State opposing the bail application would submit that the aforesaid liquor was seized from the present applicants, therefore, they are not entitled to be released on 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, nature and gravity of the offence, considering huge quantity of the liquor and in view of the provisions of Section 59 -A (ii) of the Act, I am not inclined to grant bail to the applicants.
7. Accordingly, the instant M.Cr.C. is liable to be and is hereby rejected.

Sd/-
(I.S. Uboweja)
JUDGE