

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1511 of 2016

1. Bhuvan Yadav, S/o Sitaram Yadav, age 35 years, permanent R/o Chhattarpur, Distt. Palamu (Jharkhand), at present R/o Kirodimal Nagar, Raigarh, Distt. Raigarh (C.G.)
2. Ravi Gupta, S/o Bajrangi Prasad, age about 22 years, permanent R/o Village Chainpur, Distt. Palamu (Jharkhand), at present R/o Kirodimal Nagar, Raigarh, Distt. Raigarh (C.G.)
3. Vinay Singh, S/o Savlayak Singh, age about 42 years, permanent R/o Village Rasalpur, Distt. Gaya (Bihar), at present R/o Kokaditarai, Raigarh (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through Station House Officer, Bhupdeopur,
Distt. Raigarh (C.G.)

---- Non-applicant

For Applicants:	Mr. Amit Sharma, Advocate.
For Non-applicant:	Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board12/04/2016

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.16/2016, registered at Police Station Bhupdevpur, Distt. Raigarh, for the offence punishable under Sections 34(2) and 59-A(i) of the Chhattisgarh Excise Act, 1915.
2. Case of the prosecution, in brief, is that 270.900 bulk liters of illicit liquor was seized by the police from the present applicants.
3. Learned counsel for the applicants submits that the applicants have not committed any offence, they have falsely been

implicated in the case, they are in custody since 25-1-2016 and therefore, they may be released on bail. Alleged recovery of liquor has been made from the possession of one Pramod Singh and therefore, the applicants are not liable for the same, they are simply passengers of the vehicle from where the liquor was seized. Learned counsel relied upon the order dated 8-2-2016 passed by a coordinate Bench of this Court in M.Cr.C. No.579/2016 (Khilleshwar Satnami and another – Versus – State of Chhattisgarh).

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, recovery of huge quantity of liquor i.e. 270.900 bulk litres and keeping in view the provisions contained in Section 59-A(ii) of the Chhattisgarh Excise Act, 1915, I am not inclined to grant bail to the applicants. The application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge