

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3321 of 2016

1. Gourishankar @ Vikki Tiwari, S/o. Jagdish Tiwari, Aged About 22 Years, R/o. Mathpuraina, Raipur (Chhattisgarh).
2. Dharmendra Goswami, S/o. Ramakant Goswami, Aged About 32 Years, R/o. P.S. Gurhiyari, Raipur (Chhattisgarh).

---- Applicants

Versus

State Of Chhattisgarh, Through the Station House Officer, Police
Station Mujgahan / Sejbahar, Raipur (Chhattisgarh).

---- Respondent

For Applicants : Mr. Suresh Tandan, Advocate

For Respondent : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/07/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.66/2016 registered at Police Station- Mujgahan/ Sejbahar, Raipur (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act.
2. As per the prosecution case, on 10.05.2016 the applicants were transporting the illicit liquor measuring about 164.16 bulk liters in the Maruti Van vehicle bearing No.C.G.04 B 5748 and they were intercepted in the way and the liquor was recovered.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 10.05.2016 and no further investigation is necessary, therefore, the applicants may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and statement of the seizure witness. Taking into consideration the quantity of seized liquor i.e. 164.16 bulk liters, which prima facie appears to have been seized from the possession of the applicants, I am not inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge