

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4851 of 2016

Uttam Kumar Singh, S/o. Satyendra Singh, Aged About 30 Years, R/o. Village Bedhni, Police Station - Dev, District Aurangabad - Bihar, Present R/o. Village - Hirni, P.S.- Suhela, District- Balodabazar – Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Excise Circle - Simga, District Balodabazar – Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjeev Das, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23.08.2016

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.105/2016 registered at Police Station- Simga, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. As per the prosecution case, on 19.07.2016, on information received, from the possession of the applicant total 112.2 liters of illegal country made liquor and other english wine & beer were seized.
3. Learned counsel for the applicant would submit that the recovery of the liquor was made from the vehicle and he had taken lift in the vehicle and he was not a party to the crime, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the documents. It appears that the vehicle which was chased and thereafter was intercepted the recovery was made. Considering the evidence available and the quantity of the seized liquor, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok