

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 433 of 2016**

Khemraj Sahu S/o Tirithram Sahu aged about 29 years
village Bade Purda Police Station Bori Civil and Revenue
District Durg (C.G.)

---Applicant**Versus**

State of Chhattisgarh through Police Station Bori District
Durg (C.G.)

---Non-applicant

For Applicant	:	Mr. Shrawan Agrawal, Advocate
For Non-applicant	:	Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****03/02/2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 96/2015, registered at Police Station Bori, District Durg (C.G.), for the offence punishable under Section 34(2) of the C.G. Excise Act.

2. Case of the prosecution, in brief, is that, 64.080 bulk liters of country made liquor was seized by the police from the present applicant.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in crime in question. He would further submit that charge sheet has been filed and applicant is in jail since 03/11/2015, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose 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; quantity of liquor i.e. 64.080 bulk liters seized from the applicant and further taking into consideration the provisions contained in Section 59-A(ii) of the Chhattisgarh Excise Act, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.
8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari