

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3809 of 2016

Vinay Chaudhary, S/o. Bhushan Chaudhary, Aged About 23 Years, R/o. Chandmari, Pipara-para, Ward No.39, P.S. Durg, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate, Civil & Revenue District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Amiyakant Tiwari, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01.08.2016

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.237/2016 registered at Police Station- Mohan Nagar, District Durg (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act, 1920.
2. As per the prosecution case, on 12.05.2016 on information received that the liquor was being transported in the vehicle, the vehicle bearing No.CG-07/MA/2677 when was stopped, the driver jumped and fled away and subsequently, the applicant was arrested on 07.06.2016.
3. Learned counsel for the applicant would submit that the liquor which was seized that belonged to one Rajeshwar Prasad Dwivedi and the applicant was only transporting under the permit but when it was seized it was not within the specified time and, as such, it

was not a case that the liquor was not duty paid, therefore, considering the facts, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, the documents as also the licence. Considering the quantity of the seized liquor i.e. 155 bulk liters, I am not inclined to release the applicant on bail, however, liberty is reserved to the applicant to repeat the bail application after examination of the seizure witness.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed with the aforesaid liberty.

Sd/-
(Goutam Bhaduri)
Judge