

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2551 of 2017**

1. Naresh Soni S/o Narayan Soni, Aged About 27 Years R/o Village Gadpatni, Police Station Basna, Tahsil Basna, District Mahasamund, Chhattisgarh.
2. Shiv Alias Sibbo Soni, S/o Narayan Soni, Aged About 32 Years R/o Village Gadpatni, Police Station Basna, Tahsil Basna, District Mahasamund, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Basna, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Shri Vikash Pradhan, Advocate
For Respondent/State	: Shri Sumit Jhavar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17.7.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No.140/2017 registered in Police Station Basna, District Mahasamund (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicants submits that the applicants have been arrested on 02.4.2017, after investigation, concerned police has filed charge sheet, which is pending before Chief Judicial Magistrate, Mahasamund. Learned counsel for the applicants is not aware of the criminal case number. As per the

allegation, 166.125 bulk liters of country made liquor has been seized from the joint possession of the applicants. He further submits that the applicants are in jail for 3 ½ months, they will not repeat any offence in future, as the trial may take sometime for its conclusion, they may be enlarged on bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicants on the basis of the huge quantity of liquor so seized from the applicants and also considering the criminal antecedent reported against the applicant as Crime No.361/2016 under Sections 294, 506, 323, 34 of the IPC has been registered against the applicant.

5. Perused the entire material.

6. On due consideration of the entire facts and looking to the quantity of the liquor so seized from the joint possession of the applicants, I am not inclined to grant bail to the applicants.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is hereby dismissed.

Sd/-

(Chandra Bhushan Bajpai)

JUDGE