

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case (A) No.440 of 2017**

- Narendra Kumar Jangade S/o Khorbahara Ram Jangade Aged About 38 Years R/o Village Jugesar Police Station Mandir Hasaud, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Its Police Station Mandir Hasaud Civil And Rev. Distt. Raipur Chhattisgarh.

---- Respondent

For Applicant	: Shri BL Sahu, Advocate
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****05.7.2017**

Heard on maintainability of the instant bail application in the light of Section 59A(i) of the Chhattisgarh Excise Act, 1915.

2. As per the facts, 362.880 bulk liters of liquor has been seized in the present matter. As provided under the provisions, Section 59A(i) is reproduced here for the relevance:

“ 59-A. Certain offence under the Act to be non-bailable – Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (No.2 of 1974) or Section 59 of the Act,

(i) no application for an anticipatory bail shall be entertained by any court in respect of a person accused of an offence punishable under Section 49-A or in respect of a person not being a person holding a licence under the Act or rules made thereunder who is accused of an offence covered by clause (a) or clause (b) of sub-section (1) of Section 34 with quantity of liquor found at the time

or in the course of detection of such offence exceeding five bulk litre.”

3. On due consideration, looking to the entire facts, the present matter comes under the ambit of Section 59A(i) of the CG Excise Act. With this, no application for anticipatory bail shall be entertained by any court. With this, this Court under the relevant provisions of Section 438 of Cr.P.C. is not having any authority to entertain the present petition for anticipatory bail.

4. Accordingly, the instant application is dismissed as not maintainable.

Sd/-

(Chandra Bhushan Bajpai)

JUDGE