

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3905 of 2017

- Jitendra Kurre S/o Late Guman Kurre, Aged About 27 Years, R/o Village Pirda, Police Station Vidhansabha, Raipur, Tahsil and District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Vidhasabha, Raipur, District Raipur Chhattisgarh.

---- Non-applicant

For Applicant – Shri C.R.Sahu, Advocate.

For Non-applicant/State – Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

12-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.79/2017 on 08-4-2017 by P.S. Vidhasabha, Raipur, District Raipur, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation police had filed the charge sheet which is pending before the JMFC Raipur as Criminal Case No.3849/2017. The trial may take some time. The applicant will not commit any offence in future. Learned counsel for the applicant would further submit that the charges are framed, the applicant and two other co-accused are facing trial, the fourth co-accused is a juvenile, hence supplementary charge sheet has been filed against him before the Juvenile Justice Board. In the present matter Chandrashekhar Kurre and Jitendra Roy were enlarged on bail by the Court below as no seizure is effected from the co-accused. In the present matter 285.190 bulk liter liquor has been seized from the back of the house of the applicant which was hidden in a pit, i.e., open place. Hence, the present applicant may also be enlarged on bail. Learned counsel would further submit that panch witnesses Deepak Bawiskar (PW-1), Deendayal Dhiwar (PW-2)

turned hostile, not supported the case of prosecution.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of the huge quantity of liquor so seized from active conscious possession of the applicant.

4. Perused the entire material.

5. Case of the co-accused is distinguishable from the present applicant. As per the facts surfaced in the charge sheet, the applicant was in active and conscious possession of 285.190 bulk liter foreign liquor seized behind the house of the applicant hidden in a pit. On consideration of the facts surfaced, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE