

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No.4109 of 2017**

- Raj @ Rajkumar S/o Yogendra Singh Aged About 28 Years R/o Quarter No. 60 Deendayal Colony Junwani Police Chowki Jewra Sirsa Police Station Pulgaon District Durg (Chhattisgarh)

---- Applicant

**Versus**

- State Of Chhattisgarh Through Its S H O Police Station Kumhari, Civil & Revenue District Durg (Chhattisgarh)

---- Respondent

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 For Applicant : Shri Ravi Maheshwari, Advocate  
 For Respondent/State : Shri Ashok Swarnkar, Panel Lawyer  
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**Hon'ble Shri Justice Chandra Bhushan Bajpai**  
**Order On Board**

**20.9.2017**

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 applicant, who has been arrested in connection with Crime No.19/2017 Police Station Kumhari, Distt. Durg (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 19.4.2017, after investigation, police has filed charge sheet which is presently pending before Judicial Magistrate First Class, Bhilai-3, Durg. As per the allegation, 60.480 bulk liters of country made/foreign liquor has been seized from the possession of the applicant. Learned counsel for the applicant would submit that the applicant is in custody since long,

he will not commit any offence in future, as the trial may take sometime for its conclusion, he may be released on bail.

4. Per contra, learned counsel for the respondent/State opposed the arguments advanced on behalf of the applicant on the basis of huge quantity of liquor so seized from the applicant and also criminal antecedent reported against the applicant which are as follows:

| Sl. No. | Crime No. | Offence U/S.                 |
|---------|-----------|------------------------------|
| 01.     | 298/2015  | 34(2) of CG Excise Act, 1915 |
| 02.     | 530/2015  | 34(2) of CG Excise Act, 1915 |

5. Perused the entire material.

6. The applicant is in custody for about five months, the quantity of liquor so seized is on higher side and also against the applicant two aforementioned matters of similar nature has been registered, there is no fact stated on behalf of the applicant regarding what was the quantity of liquor seized earlier and what was the fate of the said matter registered against the applicant. On due consideration of the entire facts, I am not inclined to grant bail to the applicant.

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

Sd/-

**(Chandra Bhushan Bajpai)**  
**JUDGE**