

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6308 of 2017**

Dipak Thakur, son of Late Rajju Singh Thakur, age about 30 years, resident of Ward No.7 Naya Para, Mahasamund, Thana, Tahsil and District – Mahasamund (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through: Station House Officer, Police Station Mahasamund, District- Mahasamund (C.G.)

---- Non-applicant

For Applicant : Mr. Vikash Pradhan, Advocate.
For Non-applicant/State : Mr. Aditya Sharma, PL.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****15/11/2017**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.222/2017 registered at Police Station – Mahasamund, District- Mahasamund (C.G.) for the offence punishable under Section 34 (2) of the CG Excise Act.

(2) Case of the prosecution, in brief, is that 702 bulk liters of illicit liquor was seized from the possession of the present applicant and thereby committed the aforesaid offence.

(3) Counsel for the applicant submits that applicant has falsely been implicated in the crime in question as he has not committed any offence.

He would further submit that applicant is in jail since 06.07.2017 and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) Considering the totality of the facts, in particular, the provisions contained in Section 59-A(ii) of the C.G. Excise Act, 1915; and looking to huge quantity of liquor seized from the possession of the applicant; I am not inclined to release the applicant on bail. Thus, the bail application is rejected. However, the applicant is at liberty to repeat the bail application after examination of material prosecution witnesses.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

