

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1668 of 2017

1. Sahdev Yadav. S/o Mannuram Yadav, Aged About 30 Years R/o, Village Navagaon (Muswadih), Police Station- Bhatapara(Gramin), District- Baloda Bazar, Bhatapara- Chhattisgarh At Present R/o Rohra, Ward No. 11, Police Station Bhatapara(Gramin), District Balodabazar, Bhatapara- Chhattisgarh.
2. Sanju Ram Yadav, S/o Janak Ram Yadav, Aged About 45 Years R/o Rohra, Ward No. 11, Police Station Bhatapara(Gramin), District- Baloda Bazar, Bhatapara, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Simga, District Baloda-Bazar, Bhatapara, Chhattisgarh.

---- **Respondent**

For Applicants : Mr. C.R. Sahu, Advocate

For Respondent/State : Mrs. M. Asha, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29-03-2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 11-1-2017 in connection with Crime No. 114 of 2016, registered at Police Station Simga, District Baloda Bazar Bhatapara (CG) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. As per prosecution case, on information being received a raid was conducted by the police party, the applicants were found in possession of illicit liquor measuring about 483.84 bulk liters, the same was seized from them and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicants would submit that this is second bail petition and earlier first bail application was dismissed for want of prosecution on 9-2-2017. He would further submit that the applicants have been falsely implicated in this case, seizure was not made in person from the

applicants, charge-sheet has been filed, the applicants are in jail since 11-1-2017 and no further investigation is necessary, therefore, the present applicants may be released on bail.

4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties, perused the case diary and documents which would show that 483.84 bulk liters of liquor was seized from the vehicle CG-04-J-4880 which was in possession of the present applicants.
6. Perused the statements of seizure witnesses and one owner of vehicle who had given it to the applicants on rent which would show that the applicants were in possession of the vehicle CG04-J-4880 from which the liquor was seized.
7. Taking into consideration the facts and circumstances of the case and further considering the statements of the seizure witnesses who have supported the case of prosecution and looking to huge quantity of liquor which was seized from the possession of the applicants, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is also liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju