

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5893 of 2018**

1. Sanju Verma S/o Indrajeet Verma Aged About 19 Years R/o Village Chingli, O. P. Jalbandha, Police Station Khairagarh District Rajnandgaon Chhattisgarh
2. Komal Mandavi S/o Ram Ashray Mandavi Aged About 19 Years R/o Village Salhebharri, Police Station Khairagarh District Rajnandgaon Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Outpost Chikhili, Police Station Kotwali, District Rajnandgaon Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Vikas Pradhan, Advocate
For the State	:	Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**04/09/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. The applicants have been arrested in connection with Crime No. 412/18 registered in Outpost Chikhli, Police Station Kotwali, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of CG Excise Act.
3. Case of the prosecution, in brief is that on 28/07/2018 on the information of the informant Police officials of the Police Chowki Chikhli blocked Khairagarh-Rajnandgaon Road. Near about 18.35 hours one Tavera car bearing registration number C.G. 08 W 9615 was stopped. Applicants were present in that car. From the car 17 box i.e. 153 bulk liters foreign liquor was seized from the applicants.
4. Counsel for the applicants urged that they are in jail since more than one month, offence is punishable for one year imprisonment and triable by Judicial Magistrate First Class, hence, they may be released on bail.
5. On the other hand, the State opposed the bail application. She further submits that previously one excise case has already been registered against the applicant No. 1 Sanju Verma.
6. Looking to the above facts and circumstances of the case, looking to the

alleged quantity of seized foreign liquor, this Court is not inclined to get the benefit under Section 439 of CrPC to the applicants.

7. Hence, this bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde