

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7179 of 2018**

1. Rampyare Gupta S/o Harinarayan Aged About 22 Years, Occupation Education, R/o Village Saagobandh Thana Babhani District Sonbhadra Uttar Pradesh.
2. Kamlesh Kumar S/o Raajbali Aged About 21 Years Occupation Agriculture, R/o Village Injaani Thana Bijpur District Sonbhadra Uttar Pradesh.
3. Chandramani Gupta @Chandrmani Gupta Aged About 31 Years, Occupation Agriculture, R/o Village Jaatajuua Thana Bildhmaganj District Sonbhadra Uttar Pradesh.

---Applicants**Versus**

State Of Chhattisgarh Through Police Station Raghunaathnagar District Balrampur Ramanujganj Chhattisgarh.

---- Non-applicant

For Applicants : Mr. A.K. Yadav, Advocate

For Non-applicant : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****01.11.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.63/2018 registered in Police Station Raghunaathnagar, District Balrampur Ramanujganj for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that on on 24.08.2018 at about 2:50 am, Sub Inspector Vinod Paswaan posted at Police Station Raghunaathnagar in main road at village Kamalpur stopped the vehicle bearing Registration No.U.P./64/H/8314. The said vehicle was driven by Applicant No.2-Kamlesh Kumar, Applicant No.3-Chandramani Gupta @ Chandrmani Gupta is the owner of the said vehicle, he was also present in the said vehicle. Applicant No.1-Rampyare Gupta was also present in

that vehicle. From the possession of the Applicant No.1-Rampyare Gupta, 309.600 bulk liters foreign liquor was seized.

4. Counsel for the applicants submits that the applicants have not committed any offence and have been falsely implicated in the present case. He further submits that charge-sheet has already been filed and there is no seizure of liquor from the Applicants No.2 & 3 and as such they may be released on bail.
5. Counsel for the State opposes the prayer for grant of bail. He further submits that no criminal antecedent is reported against the applicants in police case diary.
6. I have heard counsel appearing for the parties and perused the case diary with utmost circumspection.
7. Looking to the facts and circumstances of the case, looking to the huge quantity of liquor seized from the possession of the applicants, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicants.
8. Consequently, the bail application is rejected.
9. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)
JUDGE

L/-