

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7773 of 2018**

Raj Kumar Banjare, son of Shri Budhram Banjare, aged about 53 years, Caste Satnami, R/o village Chikhali, Police Station Arang, District Raipur (CG).
---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Excise Circle, P.S. Civil Line, Raipur, Civil and Revenue District Raipur (CG).
---- Non-applicant

For Applicant : Mr. Dashrath Kushwaha, Advocate
 For Non-applicant : Mr. Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

12.11.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the copy of case diary provided by the counsel for the State in connection with Crime No.19/2018 registered in Police Station Excise Circle, Civil Line, Raipur, Civil & Revenue District Raipur for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that on 07.09.2018, 198 bulk liters foreign liquor has been seized from the possession of the applicant.
4. Counsel for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in the case and as such the applicant may be released on bail.
5. Counsel for the State would oppose the prayer for grant of bail. He would further submit that no criminal antecedent is reported against the applicant 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 seized foreign liquor, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
8. Consequently, the bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-