

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9634 of 2018

Surendra Kumar Nayak, aged about 46 years, son of late Ramkumar Nayak, Caste Aghariya, R/o Ward No.17, Purana Chandaniyapara Janjgir, P.S. Janjgir, District Janjgir Champa (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Janjgir, District Janjgir Champa (CG). **---- Non-applicant**

For Applicant : Mr. Shiv Shankar Tiwari, Advocate
 For Non-applicant : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

07.12.2018

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.713/2018 registered in Police Station Janjgir, District Janjgir Champa for the offence punishable under Sections 34(2) & 59(A) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that on 16.11.2018 at about 23:00 hrs. at Radhe Shyam Tent House, Janjgir, 3490.90 bulk liters country made 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.
5. Counsel for the State would oppose the prayer for grant of bail. He would further submit that no criminal antecedent reported against the applicant in police case diary.
6. Counsel for the applicant would further submit that the alleged liquor was seized from the said tent house and the applicant is working as servant in that tent house and owner of tent house is absconding hence the applicant may be released on bail.
7. Looking to the facts and circumstances of the case, this Court is not impressed with the arguments put-forth by the counsel for the applicant regarding for grant of bail and looking to the huge quantity of seized liquor, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-