

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 173 of 2019

- Rahul Manjhi S/o Dilip Manjhi Aged About 25 Years R/o Samta Nagar, Tatanagar, Jamshedpur, Police Station- Mango, District- Jamshedpur, Jharkhand., District : Jamshedpur, Jharkhand

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Charama, District- North Bastar Kanker, Chhattisgarh., District : Kanker, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Praveen Tulsyan, Advocate.
For Non-applicant	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

09.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 172/2018 registered at Police Station – Charama, District- North Bastar Kanker (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
3. Case of the prosecution, in brief is that on 18.09.018 at about 21:00 hours near Korar Chowk, Charama 540 bulk litres of foreign liquor was seized from the possession of the applicant.
4. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Counsel for the applicant drew my attention on the seizure wherein it has been mentioned that allegedly six boxes containing 300 quarter each quarter containing 100ml have been seized. It is not mentioned that how many quarters were in each box. He also submitted that seizure witnesses are same who are the witness in alleged seizure relating to Crime No. 0/18 and also the time is same in both procedures. In these circumstances the applicant may be enlarged on bail.
7. Prima facie it does not appear that only 250 quarters were kept in 50 boxes. Thus, prima facie it appears that 450 bulk litres foreign liquor were seized from the possession of the applicant.
8. What would be effect of this fact that alleged seizure witnesses of this case are the same in seizure which was effected in crime No. 0/18, police station Charama and time is same in those two seizures, it would be considered by the trial Court at the time of disposal of the case. At this stage the applicant does not get any help from the aforesaid facts relating to release on bail.
9. Looking to the facts and circumstances of the case, looking to the huge quantity of the seizure, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
10. Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE