

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 729 of 2019

- Bhagwat Joshi S/o Budaku Joshi Aged About 51 Years R/o Near Jagriti Vidyalaya, Chhawani Basti, Police Station Jamul, District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Excise Circle, Bhilai-3, District Durg Chhattisgarh

----Non Applicant

For the Applicant : Ms. Arti Chandra, Advocate

For Non Applicant : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board05.03.2019

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was dismissed for want of prosecution by this Court by order dated 09/01/2019 passed in MCRC No.9950 of 2018.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.166/2018 registered at Police Station- Excise Circle, Bhilai-3, District- Durg (C.G.) for the offence punishable under Section 34(2) of the CG Excise Act.
4. Case of the prosecution in brief is that on 16/11/2018, 354.24 bulk liters of country made and foreign liquor were seized from the joint possession of the applicant and coaccused persons Dhansay and Chaitram.
5. Counsel for the applicant submitted that on the alleged date of incident the applicant was on leave.
6. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
7. Looking to the facts and circumstances of the case, looking to the alleged seized huge quantity of foreign and country made liquor, this Court is not inclined to grant the bail to the applicant. Consequently, the bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge