

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9656 of 2018**

Tikendra Sahu S/o Tika Ram Sahu Aged About 32 Years R/o Post Sondra Village- Saknra, Tehsil Dharsiwa Police Station Dharsiwa, Civil And Revenue District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Dharsiwa, District Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Ashutosh Pandey, Advocate
For the State : Shri S.K.Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

02/01/2019

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.503/2018 registered in Police Station Dharsiwa, District Raipur (C.G.) for the offence punishable under Section 34(2), 59(A) of CG Excise Act.
3. Argument heard.
4. Case of the prosecution, in brief is that on 16/11/2018, from the courtyard of the applicant at Village Sankra, 250.380 bulk liters of country made liquor was seized.
5. Counsel for the applicant submitted that the brother of the applicant is the Sarpanch of village Sankra. There was rivalry between him and opposite party, thus applicant has falsely implicated. Alleged courtyard is also not in the name of applicant, in these circumstances applicant may be released on bail.
6. Counsel for the State submits that one another criminal case under explosive act has been registered against the present applicant.
7. The aforesaid facts raised by the counsel for the applicant are the subject matter of the scrutiny of the evidence. At this stage applicant does not get any help for the purpose of granting bail from them.
8. Looking to the facts and circumstances of the case, huge quantity of seized country made liquor, this Court is not inclined to give the benefit under Section 439 of CrPC, accordingly bail application is dismissed.

Sd/-

(Sharad Kumar Gupta)
Judge