

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9679 of 2018**

Chaitram Verma S/o Late Fattu Lal Verma Aged About 59 Years R/o H.
No. Ews- 70, Housing Board Colony, Kohka, Bhilai, Tahsil And District-
Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- **Applicant**

Versus

State Of Chhattisgarh Through Police Station- Excise Circle, Bhilai-3,
Sector-01, Bhilai Nagar, Tahsil And District- Durg, Chhattisgarh.

---- **Respondent**

For the Applicant	:	Ms. Aditi Singhvi, 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.166/2018 registered in Police Station Excise Circle, Bhilai-3, District Durg (C.G.) for the offence punishable under Section 34(2) of CG Excise Act.
3. Argument heard.
4. Case of the prosecution, in brief is that on 16/11/2018 at about 2.10 hours 354.24 bulk liters of country made and foreign liquor have been seized from Nagar Nigam Bhawan, Khursipar. The key of said building was in possession of applicant, co-accused Dhansai and Bhagwat Joshi.
5. Counsel for the State submits that there is no antecedents of the applicant is reported in police case diary.
6. Counsel for the applicant further submitted that applicant was not in exclusive possession of the key of the said building. The said building is accessible to general public, thus applicant may be released on bail.
7. The aforesaid circumstances raised by the counsel for the applicant are the subject matter of the scrutiny of the evidence done by the trial Court. 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, looking to the alleged seized quantity of 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