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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1912 of 2020**

Rajkumar Singh, son of Joginder Singh, aged about 35 years, resident of Atlamgola, Samnimah, Patna (Bihar), at present address – Deendayal Colony, Bhilai, District – Durg (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through: Station House Officer, Police Station – Kharora, District – Raipur (C.G.)

----Non-applicant

For Applicant : Mr. Akash Gupta, Advocate.
For Non-applicant/ State : Mr. Ravi Kumar Bhagat, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****15/06/2020**

(1) Proceedings of this matter have been taken up through video conferencing from High Court Premises at Bodri, Bilaspur.

(2) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 13/2020 registered at Police Station – Kharora, District – Raipur (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act, 1915.

(3) Case of the prosecution, in brief, is that 2280.960 bulk liters of illicit liquor was seized by the police from the present applicant.

(4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question as he has made complaint before the

higher authorities. He submits that applicant has not been granted the benefit of parole; he has been arrested on 19.01.2020 and the trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.

(5) Per contra, counsel for the State would submit that in view of the provisions contained in Section 59-A(ii) of the C.G. Excise Act, 1915, applicant cannot be granted bail unless the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence, and there is sufficient evidence on record to hold that the applicant has committed the aforesaid offence, therefore, the applicant is not entitled to be released on bail.

(6) I have heard learned counsel appearing for the parties and perused the case diary.

(7) Taking into consideration the facts & circumstances of the case, nature and gravity of the offence; and huge quantity of liquor i.e. 2280.960 bulk liters recovered from the possession of the applicant and particularly considering the provisions contained in Section 59-A(ii) of the Excise Act, it cannot be held that there are reasonable grounds available for believing that the accused is not guilty of the aforesaid offence and that he is not likely to commit any offence, if bail is granted to him. Accordingly, I am not inclined to release the applicant on bail, therefore, the bail application is rejected. However, the trial Court is directed to conclude the trial expeditiously.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

