

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.2007 of 2020**

1. Kanahiya Lal Pidda S/o Chabilaal Pidda Aged About 27 Years Caste- Halba, R/o Kottara Village Khalhepara, Tehsil And Thana- Charama, District- Uttar Bastar, Kanker, Chhattisgarh.
2. Satish Pidda S/o Vishraam Pidda Aged About 30 Years Caste- Halba, R/o Village Schoolpara Kottara Village Tehsil And Thana Charama, District- Uttar Bastar Kanker, Chhattisgarh.

--- Applicants

Versus

- State Of Chhattisgarh Through Police Station Charama District- Uttar Bastar Kanker, Chhattisgarh.

---Non-applicant

For Applicants : Shri Parag Kotecha, Advocate

For Non-applicant : Ku. Veena Nair, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****24.8.2020.**

1. Proceedings of this matter have been taken up through Video Conferencing.
2. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for release of them on regular bail during trial in connection with Crime No. 48 of 2020 registered at Police Station Charama, Distt. Kanker (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that, from the possession of

applicants, 1053 bulk liters of liquor was seized without authority of law.

4. Learned counsel for the applicants submits that the applicants have not committed any offence and they have falsely been implicated in crime in question. He further submits that from applicant No.1 only 18 bulk liters of liquor was seized and the remaining liquor was seized from the open place. They are in jail since 24.02.2020.

5. On the other hand, learned counsel for the State opposes the bail application and submits that though 18 bulk liters of liquor was seized from applicant No.1 but the remaining liquor was seized from the farm house of applicant No. 1 at the instance of applicant No.2.

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

7. Taking into consideration the facts & circumstances of the case, nature and gravity of offence, pre-trial detention of the applicants and also taking into consideration the condition incorporated in Section 59-A(ii) of the C.G. Excise Act, 1915 and seizure of huge quantity of liquor from the possession of present applicants, this Court is of the opinion that present is not a fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is hereby rejected.

Sd/-
(Sanjay K. Agrawal)
JUDGE