

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2023 of 2020**

Pradip Bagh, S/o Sahabo Bagh, aged about 30 years, R/o behind Police Station Saraswati Nagar, District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Bagbahara, District Mahasamund (C.G.)

---- Non-applicant

For Applicant : Mr. T. K. Jha, Advocate.

For Non-applicant/State : Mr. Animesh Tiwari, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

14/09/2020

- (1) Proceedings of this matter have been taken-up through video conferencing.
- (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. 46/2020 registered at Police Station –Bagbahara, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
- (3) Case of the prosecution is that 345 bulk liters of illicit liquor was seized from the joint possession of the applicant and three other co-accused persons.

(4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question as he has not committed any offence. He further submits that the applicant was traveling in the vehicle, from which the liquor was seized, in the capacity of labourer and the liquor is not owned by him and he is not aware about the said liquor. He also submits that the applicant has been arrested on 06.03.2020 and as the trial is likely to take time for its final disposal, he may be released on bail.

(5) On the other hand, learned counsel for the State opposes the bail application.

(6) I have heard the 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, in particular, the provisions contained in Section 59-A(ii) of the C.G. Excise Act, 1915; and looking to the huge quantity of liquor seized from the possession of the applicant; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-

