

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.2791 of 2020**

Rajendra kumar Bharadwaj, S/o. Shri Jeetram Bharadwaj, aged about 41 years, R/o. Agwanpur, PS Palval, Distt. Faridabad (Haryana)

---- Applicant

Versus

- State Of Chhattisgarh Through PS Tikrapara, Raipur Distt. Raipur (CG)

---Non-applicant

For Applicant : Shri Vivek Kumar Agrawal, Advocate

For Non-applicant : Shri Sunil Otmani, Addl. Advocate General

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

14.9.2020.

1. Proceedings of this matter have been taken up through Video Conferencing.
2. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for release of him on regular bail during trial in connection with Crime No. 107 of 2020 registered at Police Station Tikrapara, Raipur Distt. Raipur (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that, at the instance of present applicant, 153 bulk liters of liquor was seized from open place.
4. Learned counsel for the applicant submit that the applicant has not

committed any offence and he has falsely been implicated in crime in question. On the basis of memorandum of the present applicant huge quantity of liquor has been seized from the open place and the story made by the prosecution which is not acceptable. The applicant is in jail since 15.3.2020, therefore, he be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application and would submit that huge quantity of liquor has been seized at the instance of present applicant.

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 applicant and and also taking into consideration the condition incorporated in Section 59-A(ii) of the C.G. Excise Act, 1915 and considering the huge quantity of liquor seized at the instance of present applicant, this Court is of the opinion that present is not a fit case, in which, the applicant 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