

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3121 of 2020****Order Reserved on 09.07.2020****Order Passed on 14.07.2020**

Dogendra Verma, S/o Tulsi Verma, aged about 30 years, R/o Village –
 Luck, Police Station - Parpodi, Tahsil – Saja, District – Bemetara
 (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through – District Magistrate, Kabirdham,
 District – Kabirdham (C.G.)

---- Non-applicant

For Applicant : Mr. Dharmesh Shrivastava, Adv.
 For Non-applicant/State : Mr. Mateen Siddiqui, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order [C.A.V.]**

(1) 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. 72/2020 registered at Police Station –Excise Circle – Kawardha, District – Kabirdham for the offence punishable under Section 34(2) of the CG Excise Act.

(2) Case of the prosecution, in brief, is that from the possession of the applicant and other co-accused persons, 630 bulk liters of illicit liquor was recovered as they were transporting the said liquor unauthorisedly and thereby committed the aforesaid offence.

(3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question as they have not committed any offence. He further submits the applicant is a shopkeeper and he is not the driver of the vehicle by which the 630 bulk liters of illicit liquor was transporting; and further there is no evidence on record to connect the applicant with the crime in question. He submits that no identification parade has been conducted by the prosecution and the applicant has been arrested on 15.05.2020 and, therefore, applicant is entitled to be released on bail.

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

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

(6) Taking into consideration the facts & circumstances of the case, nature and gravity of the offence and recovery of huge quantity of illicit liquor i.e. 630 bulk and in view of provisions contained in Section 59-A(ii) of the C.G. Excise Act, 1915 and looking to huge quantity of liquor; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

