

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3256 of 2020****Order Reserved on 09.07.2020****Order Passed on 14.07.2020**

Vasudev, S/o Dilip, aged about 24 years, Caste Teli, R/o. Village Gathula, O.P. Chikhali, District Rajnandgaon (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the O.P. Chichola, Police Station Chhuria, District – Rajnandgaon (C.G.)

---- Non-applicant

For Applicant : Mr. S.S. Baghel, Advocate
For Non-applicant/State : Mr. H.S. Ahluwalia, 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. 35/2020 registered at Police Station –O.P. Chichola, Police Station – Chhuria, District Rajnandgaon (C.G.) 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, 180 bulk liters of illicit liquor was recovered as they were transporting the said liquor unauthorizedly and thereby committed the aforesaid offence.

(3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the offence in question as the alleged liquor has been recovered from the vehicle belonging to Dinesh Kumar Gupta, who was owner of the said vehicle. He submits that no seizure has been made from the applicant and he is in detention since 20.05.2020 and as the trial is likely to take time for its final disposal, applicant be released on bail.

(4) On the other hand, Counsel for the State submits that the applicant is the owner of the alleged vehicle as he has purchased the same from erstwhile owner of the said vehicle i.e. Dinesh Kumar Gupta and there is sufficient evidence available on record to connect the applicant with the crime in question and, therefore, the applicant is not entitled to be released on bail.

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

(6) Taking into consideration the nature and gravity of the offence and the material available on record against the applicant and in view of provisions contained in Section 59-A(ii) of the C.G. Excise Act, 1915 ; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

