

(2018) 06 CHH CK 0024

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 4074 Of 2018

Satish Kumar Yadav

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 12-06-2018

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Chhattisgarh Excise Act, 1915 — Section 34(2)

Citation : (2018) 06 CHH CK 0024

Hon'ble Judges : Sharad Kumar Gupta, J

Bench : Single Bench

Advocate : Paras Mani Shriwas, Ravindra Agrawal

Final Decision : Dismissed

Judgement

Sharad Kumar Gupta, J

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No.07/2018 registered at Police Station Excise Circle Akaltara, Distt. Janjgir-Champa (Chhattisgarh) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
3. Case of the prosecution, in brief, is that on 25.5.2018 at Kotmi Sonar, Ward No.7, Akaltara, Excise Sub Inspector Akaltara had seized 179.28 bulk liters of country made liquor from the joint possession of present applicant and co-accused Ashok Kumar Satnami, Umendra Ram Sahu, Narendra Yadav and Jitendra Sande.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case, therefore, he may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the CrPC to the present applicant.
7. Consequently, the bail application is rejected.

Certified copy as per rules.