

HIGH COURT OF CHHATTISGARH, BIL

Order Sheet

MCRC No. 7005 of 2015

- Shyam Lal Kunjam S/o Dadu Lal Kunjam Aged About 38 Years R/o Shitala Mandir Road, Bandha Talab, Ganjpara, Durg, Distt. Durg, Chhattisgarh. ---- **Petitioner**

Versus

- State of Chhattisgarh Through The District Magistrate Durg, Distt. Durg, Chhattisgarh.

---- **Respondent**

16.12.2015	Mohd. Tariq Haider, counsel for the applicant. State by S.R.J. Jaiswal, Panel Lawyer. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 172/2015 registered at P.S. Excise Dept., Durg (C.G) for the offence punishable under Section 34(2) & Section 59(A) of the Chhattisgarh Excise Act. The prosecution alleges that when a raid/inspection was conducted by the Police, 10.800 bulk litres of illicit liquor was seized from the possession of the applicant. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 19.10.2015 and the seizure having been made, no further investigation is necessary. Per contra, learned State Counsel opposes the bail application. However, he submits that applicant has past antecedents as one case of similar nature was registered in the year 2014 and another case being Crime No.183/2015 was also registered in the year 2015. Taking into fact that earlier two cases under Excise Act were already registered against him, one in the year 2014 and another in 2015 vide Crime No.183/2015 and again within a close proximity of time, the applicant has committed present crime in the year 2015 itself which was registered as	

R a o	Crime No.172/2015 under the Excise Act, I am of the opinion that if the applicant is released on bail, again he would commit similar offence. Therefore, looking to the past antecedents, I am not inclined to release the applicant on bail. Accordingly, this application is dismissed. Sd/- GOUTAM BHADURI JUDGE	
-------	--	--