

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6663 of 2015

Hercules Baghel, S/o. Dukhit Ram Baghel, Aged About 30 Years, R/o. Kuthrel, Police Station - Dharshiva, Tahsil & District– Raipur, Chhattisgarh District Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Chowki Silyari, Police Station - Dharshiva, District Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Sandeep Singh, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.369/2015 registered at Police Chowki Silyari, Police Station Dharshiva, District Raipur (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. Case of the prosecution, in brief, is that on 05.11.2015 on a raid being conducted by the police, total 6.48 bulk liters of illegal liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and no case is made out against him. He further submits that taking into quantity of the seized liquor and the fact that the applicant is in jail since 05.11.2015, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and he would submit that as per the information received as much as 41 criminal cases are registered to the credit of the applicant out of which 5 cases are of Section 34 and 7 cases are of Section 36(C) of the Excise Act and the last case which is registered in the year 2014 is also of Section 34 of the Excise Act and other cases are under different sections of Indian Penal Code. Therefore, looking to the past antecedents of the applicant, he is not entitled to be released on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Having regard to the fact that 41 cases are registered against this applicant and the present case is again committed within a short proximity of time of last offence committed under the Excise Act, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge