

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5308 of 2015**

- Nemichand Yadav, son of late Birju Yadav, aged about 32 years, resident of Village-Badhiyatola, Dongargarh, Police Station-Dongargarh, District-Rajnandgaon (C.G.)

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through: Station House Officer, Police Station -Dongargarh, District – Rajnandgaon (C.G.)

**---- Non-applicant**

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For Applicant: Mr. Purunendra Khichariya, Advocate.  
For Respondent/State: Mr. Ashutosh Pandey, Panel Lawyer.

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**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order On Board**

**05/10/2015**

Heard.

(1) The accused/applicant has moved 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. 417/2015 registered at Police Station Dongargarh, District Rajnandgaon for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

(2) Case of the prosecution, in brief, is that the applicant was found in possession of 6.300 bulk liters of illicit liquor.

(3) Learned counsel for the applicant submits that the applicant has falsely been implicated in the case, and therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State submits that one case is already registered & pending against the present applicant in relation to the excise offences and, therefore, he is not entitled for regular bail.

(5) Considering the totality of the facts, in particular, the criminal antecedent of the applicant; and in view of the 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.

Certified copy, as per rules.

Sd/-  
(Sanjay K. Agrawal)  
Judge

D/-