

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2923 of 2016

1. Rajesh Manikpuri, age about 26 years, S/o. Shri Khorbahara Das Manikpuri, R/o. Village-Darri Talab, Bhanpuri, P.S. - Khamtarai, District- (Revenue & Civil) – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Khamtarai, District – Raipur (C.G.)

---- Respondent

For Applicant	: Mr. Rakesh Thakur, Advocate
For Respondent/State	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.355/2015, registered at Police Station – Khamtarai, Raipur, District – Raipur (C.G.) for the offence punishable under Section 34 (2) of Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that the applicant was found to be in possession of illicit liquor measuring about 7.90 liters and he was arrested on 29.09.2015.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 29.09.2015. He further submits that charge-sheet in this case has been filed and no further investigation is required, therefore, prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State vehemently opposes the bail application and would submit that as many as 35 cases are registered against the applicant and out of which, 15 cases are of I.P.C., two cases were under Section 34(2) of C.G. Excise Act, which were registered under Crime No.21/2014 and 316/2014 and 13 cases under Criminal Procedure Code to the credit of the applicant, therefore, considering the past antecedents of the applicant, he may not be released on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into the fact that earlier also cases under Section 34 (2) of C.G. Excise Act was registered against the applicant and further taking into the fact that as many as 35 cases are credited to the applicant, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge