

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3962 of 2016

- Dashru Yadav S/O Late Lallu Yadav Aged About 42 Years R/O Surya Nagar, Gogaon, Police Station : Gudiyari, Raipur, District : Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Police Station : Gudiyari, District Raipur Chhattisgarh

---- Respondent

For Applicant : Mr. Pushpendra Kumar Patel, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.07.2016

1. This is 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 on 13-6-2016 in connection with Crime No. 163 of 2016 registered at Police Station Gudiyari, Raipur, District Raipur (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.
2. As per the prosecution case, on 13-6-2016 when a raid was conducted by the police party, the applicant was found in possession of 13.320 liters of illicit liquor, the same was seized from him and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, no offence has been committed by the applicant, liquor was not seized from

the possession of the applicant. He would further submit that charge-sheet has been filed in this case, the applicant in jail since 13-6-2016 and no further investigation is required, therefore, he may be released on bail.

4. *Per contra*, learned State counsel opposing the bail application would submit that apart from this case, from 2001 to 2015 as many as 24 cases are registered under different Sections of IPC and Cr.P.C., including the case under Section 34 (2) of the Excise Act under crime No.38 of 2015 against the applicant. He would further submit that if the applicant is released on bail, he would tamper with the evidence, therefore, he is not entitled to be released on bail.
5. I have heard learned counsel for the parties and perused the case diary and other documents.
6. Taking into consideration the facts and circumstances of the case, considering the past antecedents and background of the applicant and the fact that number of cases are to the credit of the applicant in different Sections of IPC & Cr.P.C, including excise, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed by the applicant under Section 439 of the Cr.P.C, is liable to be and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Raju

