

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3754 of 2016

- Babloo Nishad S/O Johan Nishad Aged About 25 Years Caste - Kewant, R/O Village - Pokhra, Police Station & Post Office - Rajim, District - Gariyaband Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Rajim, District - Gariyaband Chhattisgarh

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava Advocate

For Respondent/State : Mr. Luv Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.07.2016

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 6-5-2016 in connection with Crime No. 59 of 2016 registered at Police Station Rajim, District Gariyaband (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.
2. As per the prosecution case, on 6-5-2016 on information being received that the applicant was in possession of 7.20 liters of illicit liquor, a raid was conducted in which the applicant was found in possession of the said liquor and the same was recovered from him.
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 6-5-2016 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, as many as seven cases are registered under IPC and Cr.P.C, against the applicant including one case of Excise Act and the same are pending. 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