

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4362 of 2016

Heera Bai, W/o. Gajadhar Pardhi, Aged About 45 Years, R/o. Village
Baherakala, P.S. & District Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, P.S. Bemetara,
District Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vivek Sharma, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.08.2016

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.301/2016 registered at Police Station- Bemetara, Distt. Bemetara (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act.
2. As per the prosecution case, on 10.06.2016 on a raid being conducted from the possession of the applicant 45 bulk liters of illicit liquor was seized.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and no seizure was made in person. He further submits that no other case is registered against the applicant and the arrest memo also do not show the same, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that against the applicant another case under

Section 34(1) of the Excise Act was registered under the Crime No.199/2016.

5. Perused the case diary and the documents. Learned counsel for applicant maintained his stand that no previous case under the Excise Act is registered against the applicant. Perusal of the case diary would show that under Crime No.199/2016 another case was registered on 07.04.2016 and the present offence has been committed on 10.06.2016, therefore, considering the short proximity of time of commission of offence, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge