

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 153 of 2016

Dharmendra Choudhary, Aged about 32 years, S/o. Subhash Choudhary,
R/o. Near Suyash Hospital, Kota, Raipur Post Office- Raipur, Police
Station- Sarswati Nagar, Raipur District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through:- Station House Officer, Police Station
Sarswati Nagar, Raipur District Raipur (C.G.)

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. Ashutosh Pandey, Penal Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25 / 01 / 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. 151/2015, registered at Police Station– Sarswati Nagar, Raipur District Raipur (C.G.) for the offence punishable under Sections 34(2) of Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that on 24.09.2015 a secret information received to the Police Station of Saraswati Nagar, Raipur and on the basis of information a raid was being conducted on the spot where from the possession of the present applicant 5.580 liters of illicit liquor was seized. On the basis of seizure the police registered the offence punishable under Sections 34(2) of Chhattisgarh Excise Act.
3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that

no recovery was made from the possession of the present applicant and he is in jail since 19.10.2015, therefore, considering the detention period of the applicant, he may be enlarged on bail.

4. Per contra State counsel opposes the prayer for grant of bail and submits that as many as 15 cases are registered against this applicant and which are pending for adjudication. He further submits the offence are heinous in nature like under section 307, 366 and 452 etc, therefore, the applicant should not be enlarged on bail.
5. Perused the case diary and the statement. Perusal of the case diary and the statement, shows that as many as 15 criminal cases have been registered against this applicant. Considering the past antecedents of this applicant, I am not inclined to allow this bail application.
6. Accordingly, the bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge