

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C.No.413 of 2016

Doman Lal, aged about 24 years, S/o Balram Sonkar, R/o Bharreygaon,
P.S.-Lalbag, Tah-Rajnandgaon, Civil and Revenue Distt.-Rajnandgaon
(CG)

---Applicant

Versus

State of Chhattisgarh Through: P.S.-Lalbag, Distt.-Rajnandgaon (CG)

---Non-applicant

For Applicant	:	Mr. Rakesh Thakur, Advocate
For Non-applicant	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

03/02/2016

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.01/2016, registered at Police Station-Lalbag, District-Rajnandgaon (C.G.), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that 25 bulk liters of liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in the case. He would further submit that liquor has been seized from open place assessable to the public and the applicant is in jail since 2.1.2016, therefore, he may be released on bail.
4. On the other hand, learned counsel for the State would oppose the bail application and submit that the applicant is having criminal antecedents and recently he was found involved in Crime No.382/2015 for an offence punishable

under Section 34(2) of the Excise Act.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence and considering the criminal antecedents of the applicant, this Court is of the opinion that present is not a fit case, in which the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected. However, the applicant is at liberty to file second bail application after criminal case registered against him is disposed of.

8. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-