

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2586 of 2016**

Ushat Ram Nirala S/o Shri Hemram Nirala Aged About 35 Years
Occupation Agriculturist, R/o Village Kohkhra, Tahsil & District Raigarh,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Pussaur, District
Raigarh, Chhattisgarh.

---- Respondent

For Applicant:	Mr. Sumit Shrivastava, Advocate
For State:	Mr. Adhiraj Surana, Dy. Government Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****06.06.2016**

This is the first Application filed under Section 439 of CrPC for grant of bail to the Applicant who has been arrested on 17.04.2016 in connection with Crime No. 96/2016 registered at Police Station – Pussaur, District Raigarh (C.G.) for the offences punishable under Sections 34(2) and 59(A) of the Chhattisgarh Excise Act.

(2) The allegation against the present Applicant is that he was found in possession of 7.56 litres of country made liquor.

(3) Learned Counsel for the Applicant submits that the Applicant has been falsely implicated in the instant case as no liquor was seized from his exclusive possession and that the Applicant is in jail since 17.04.2016, he may be released on bail.

(4) Learned counsel for the State, however, opposes the bail application on the ground that the Applicant was found to be in unlawful possession of 7.56 liters of country made liquor. There are direct past

antecedents against the present Applicant, more than 4 cases under the Excise Act at regular interval have been leveled against him which shows that the Applicant is a habitual offender, therefore, he shall not be released on bail.

(5) Considering the nature of offence and allegation against the present Applicant keeping in view the direct past antecedents levelled against him, this Court is not inclined to grant bail to the present Applicant.

(6) Accordingly, the instant Bail Application is rejected.

Sd/-
(P. Sam Koshy)
V.JUDGE