

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3233 of 2016

1. Virendra @ Chintu Sagar, S/o. Chandrabhan Sagar, aged about 32 years, R/o. 12 Kholi Shankarpur, Udiya Mohalla, O.P. Chikhali, Police Station – Kotwali, Tehsil and District – Rajnandgaon (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Police Station : O.P. -Chikhali, District – Rajnandgaon (C.G.)

---- Respondent

For Applicant	: Mr. S.S. Baghel, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/07/2016

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.302/2016, registered at Police Station – O.P. - Chikhali, 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 on raid being conducted on 07.05.2016, from the possession of the applicant, 5.940 liters of liquor was seized.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and no seizure was made in

person from the applicant. It is further submitted that the applicant is in jail since 07.05.2016, therefore, the counsel prays that the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that as many as 7 cases are to the credit of the applicant, out of which 4 cases were of I.P.C. and 3 cases were under Excise Act from the year 2008 to 2011, therefore, the considering the past antecedents of the applicant, he may not be released on bail.
5. I have heard learned counsel appearing for the parties.
6. Considering the past antecedents of the applicant, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge