

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3226 of 2016

1. Satynarayan Nirmalkar, S/o. Bodhan Nirmalkar, age about 42 years, Caste- Dhobi, Occupation – Labour, R/o.Village-Jhakharmuda, Thana-Patewa, Tahsil – Mahasamund, District – Mahasamund (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Patewa, District – Mahasamund (C.G.)

---- Respondent

For Applicant : Mr. Vikas Pradhan, Advocate

For Respondent/State : Mr. Vivek Singhal, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/06/2016

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.78/2016, registered at Police Station – Patewa, District- Mahasamund (C.G.) for the offence punishable under Section 34 (2) of Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that on 17.05.2016 on raid being made, from the possession of the applicant 62.280 liters liquor was seized.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 17.05.2016 and no further investigation is required in this case, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that including the case of Excise Act in the year 2014 and 2015, though the acquittal have been made, 20 other cases are credited to the applicant, therefore, the applicant may not be released on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the statement. Considering the repetition of offence and the number of cases, which are 20 in numbers under different sections of I.P.C. and Cr.P.C., 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