

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3799 of 2016

1. Jhunau Ram Nirmalkar, S/o. Pardeshi Nirmalkar, aged about 45 years,
R/o. Village-Sargaon, P.S. Dhamdha, District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Dhamdha, District –
Durg (C.G.)

---- Respondent

For Applicant : Mr. Aman Kesharwani, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/07/2016

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.185/2016, registered at Police Station – Dhamdha, District – Durg (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
2. Case of the prosecution, in brief, is that on raid being made on 07.06.2016, from the possession of the applicant 10.8 bulk liter liquor was seized.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 07.06.2016 and no seizure was made in person from the applicant. It is further submitted that charge-sheet in this case has been filed and no further evidence is required, therefore, the counsel prays that 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 as many as 10 cases including two cases of Excise are to the credit of the applicant, therefore, he may not be released on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Perusal of the document prima-facie shows that from the possession of the applicant, 10 bulk liters liquor was recovered. Further taking into the fact that 10 cases are registered under different sections of I.P.C. including two case of Excise Act, therefore, considering the past antecedents of the applicant, I am not inclined to release the applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge