

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4643 of 2016

Jagmohan Yadav, S/o. Tibhu Yadav, Aged About 52 Years, R/o. Village Sarora, P.S. - Nevra, Raipur, District- Raipur, Chhattisgarh, (Mobile No. 9977844707).

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Nevra, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. C.R.Sahu, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.08.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.195/2016 registered at Police Station- Nevra, District Raipur (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. As per the prosecution case, on a raid being conducted on 05.07.2016 from the possession of the applicant total 5.580 bulk liters of illegal liquor was seized.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and no seizure has been made from the person of the applicant, therefore, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that as many as seven cases are registered to the credit of the applicant and out of that six cases are under the Excise Act from the year 2008, 2009, 2011, 2014 & 2015, therefore, he may not be enlarged on bail.

5. Perused the case diary and the documents. Considering the recovery made from the applicant and further considering the fact that to the credit of the applicant, six cases are already registered under the Excise Act, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok