

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4725 of 2016

Tekram Sahu, S/o. Asdhar Ram Sahu, Aged About 43 Years, R/o. Village Badnara, Tahsil Nawagarh, Police Station Nandghat, District Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Nandghat, District Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Aditya Kumar, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22.08.2016

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.276/2016 registered at Police Station- Nandghat, Distt. Bemetara (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. As per the prosecution case, on 16.07.2016 on a raid being made from the possession of the applicant total 9 bulk liters of illegal country made liquor was seized.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and no recovery was made in person from the applicant and he is in jail since 16.07.2016, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that as many as 16 cases are registered against the applicant from the year 2002 to 2016 out of which 9 cases are of Excise Act and the last case was registered on

28.03.2016 under the Excise Act; therefore, the applicant may not be released on bail.

5. Considering the facts of this case and taking into the background of the applicant that as many as 16 cases are registered to the credit of the applicant and further taking into the short proximity of time of repetition of offence, 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