

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7407 of 2015

Kishan Yadav, S/o Ramswarup Yadav, Aged About 27 Years, R/o Thakurdev Para Charoda Basti, Tehsil Patan, Police Station Bhilai-3, District Durg, Civil And Rev. Distt. Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through S.H.O. Old Bhilai (Bhilai-3) District Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate

For Respondent : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/01/2016

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.336/2015 registered at Police Station- Bhilai-3 (Old Bhilai), District Durg (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. Case of the prosecution, in brief, is that on 15.08.2015 on an information received, the police made a search and from the possession of the applicant 28.800 bulk liters of country made liquor was recovered.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and no seizure was made from the possession of the applicant. He further submits that the applicant was in jail since 15.08.2015, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and he would submit that as many as 9 cases under different sections of Indian Penal Code was registered against the applicant right from the year 2006 i.e. under Section 341, 329, 394, 806-B, 323 & 324/34 of IPC and also under the Excise Act and under Section 25 of Arms Act.
5. Having regard to the facts and circumstances of the case and considering the past antecedents of the applicant that 9 cases have been registered against the applicant, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge