

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5525 of 2016

Sanjay Dubey, S/o. Satya Dev Dubey, Aged About 42 Years, R/o. Village Ghumka, Rajnandgaon, Police Station & Post Rajnandgaon, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station Ghumka, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Prasoon Agrawal, Advocate

For Respondent : Ms. Shobha Kashyap, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.09.2016

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.86/2016 registered at Police Station- Ghumka, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act, 1915.
2. As per the prosecution case, on a raid being conducted on 29.07.2016 on information received that the applicant is selling the illegal liquor, total 49.140 liters of liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and he is only male bread earner in his family. He further submits that the applicant has two children 11 years old and three years old and the child who is three years old is staying along-with the applicant in the jail and no further investigation is necessary, 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 thirteen cases were registered against the applicant and out of that two cases in the like nature was also registered, therefore, the applicant may not be released on bail.
5. Perused the case diary and the documents, which reveals that as many as thirteen cases were registered against the applicant under the different Sections of I.P.C. and Cr.P.C. including one case of 34(2) of the Excise Act in 2013 and one case of 34(A) of the Excise Act in the year 2015. Considering such past antecedents of 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 dismissed.

Sd/-
(Goutam Bhaduri)
Judge