

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5938 of 2016

- Ashok Rao S/O Late Laxman Rao Aged About 65 Years R/O Dabripara, Dhumartarai Post Office & Police Station- Mana, Tahsil & District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh S/o Through Station House Officer, Police Station- Mana, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28-09-2016

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 on 18-08-2016 in connection with Crime No. 131 of 2016, registered at Police Station Mana, District Raipur (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per prosecution case, when a raid was conducted by the police party, the applicant was found in possession of illicit liquor measuring about 13.680 liters, the same was seized from him and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, no seizure was made in person from the applicant, he is in jail since 18-08-2016, charge-sheet in this case has been filed and no further investigation is required, therefore, he may be released on bail.

4. *Per contra*, learned State counsel opposing the bail application would submit that apart from this case, as many as 24 cases are to the credit of the present applicant under IPC and Excise Act out of which 16 cases are registered under Excise Act against the applicant. He would further submit that if the applicant is released on bail, he would tamper with the evidence, therefore, he is not entitled to be released on bail.
5. I have heard learned counsel for the parties and perused the case diary and other documents.
6. Taking into consideration the facts and circumstances of the case, considering the past antecedents and background of the applicant and further considering the recovery of illicit liquor was made from the applicant and also the fact that 24 cases are to the credit of the applicant in different Sections of IPC including excise, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed by the applicant under Section 439 of the Cr.P.C, is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju