

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6657 of 2016

- Mohd. Arif S/o Mohammad Yasin Aged About 26 Years R/o Sukrawari Bazar, Near Ganga Medical, Police Station - Gudhiyari, District (Revenue & Civil) - Raipur Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Gudhiyari, District - Raipur Chhattisgarh

---- **Respondent**

For Applicant : Mr. Yogesh Pandey, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26-10-2016

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 24-7-2016 in connection with Crime No. 216 of 2016, registered at Police Station Gudhiyari, 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 6.840 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, seizure was not made in person from the applicant. He would further submit that he is in jail since 24-7-2016, charge-sheet in this case has been filed and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail and would submit that apart from this case as many as 24 cases are registered against the applicant including the case under Section 34(2) of Excise Act, therefore he is not entitled to be released on bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents which would show that seizure was made in person from the applicant and the documents further shows that 24 cases under different Sections of IPC and including the case of Excise are registered against the applicant.
6. Taking into consideration the facts and circumstances of the case, considering the fact that against the present applicant 24 cases are to his credit and further considering the past antecedents of the applicant, this court is not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju