

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 518 of 2017

Radheshyam Nirmalkar S/o Shankar Lal Nirmalkar, Aged About 40 Years R/o Sant Kanwar Ram Ward, Bhathapara, Police Station And Tahsil- Bhathapara, District- Baloda Bazar- Bhatapara Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Bhatapara (City), District- Baloda Bazar- Bhatapara Chhattisgarh.

---- Respondent

For applicant - Shri Sandeep Singh, Advocate.
For Respondent/State –Shri Wasim Miyan, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

6/02/2017

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.19/2017 registered in Police Station Bhatapara (City), Balodabazar-Bhatapara (C.G.) for offence punishable under section 34 (2) of the Chhattisgarh Excise Act.
2. As per the prosecution case, on a raid being conducted on 9/01/2017 from the applicant 11.16 bulk liters of liquor was seized.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case, no seizure was made in person from the applicant, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail and would submit that as many as 5 cases of 107, 116(3) of Cr.P.C. are to the credit of the applicant, therefore he may tamper the evidence and investigation is still going on, therefore the applicant may not be released on bail.
5. Perused the case diary and the documents. Perusal of the case

diary would show that as many as 5 cases of 107, 116(3) of Cr.P.C. are registered against the applicant and investigation is still going on. Considering the past antecedents against the applicant, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed. However, liberty is reserved in favour of the applicant to repeat the bail after examination of the seizure witnesses.

Sd/-

(Goutam Bhaduri)

JUDGE