

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4096 of 2017**

- Suresh Nishad S/o Buddhu Nishad Aged About 43 Years R/o Jamghat, Police Station Berla, District- Bemetara, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through: Station House Officer, Police Station Berla, District- Bemetara, Chhattisgarh

---- Respondent

For Applicant : Shri UKS Chandel, Advocate
 For Respondent/State : Shri Arvind Dubey, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****28.7.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.104/2017 registered in Police Station Berla, Distt. Bemetara (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 06.4.2017, after investigation police has filed charge sheet which is pending before Chief Judicial Magistrate, Bemetara as Criminal Case No.613/2017. As per the allegation, 51.84 bulk liters of foreign liquor has been seized from the applicant. The applicant is in custody since long, he will not

commit any offence in future, the trial may take sometime for its conclusion, hence, he may be granted bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant on the basis of quantity of liquor so seized from the applicant and would also submit that earlier following matters have been registered against the applicant in addition to the present matter.

Sl. No.	Crime No.	Offence U/s.
01.	173/07	363, 366, 376, 496 of IPC & 3(1) (1) & 3(2)(5) of the SC & ST (prevention of Atrocities Act)
02.	224/2013	34(2) CG Excise Act, 1915
03.	32/2016	34(1)a of CG Excise Act, 1915
04.	Complaint No.22-45/16	151, 107, 116(3) CrPC
05.	01/2017	5 a & b of Chhattisgarh Rajya Surakhsha Adhiniyam

5. Perused the entire material.

6. On due consideration of the criminal antecedent as aforementioned and the quantity of liquor so seized from the applicant, I am not inclined to grant bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is hereby dismissed.

Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE