

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4586 of 2017

- Sapan Haldhar S/o R. Haldar, Aged About 52 Years, R/o Near Aganbadi, Mana Police Station Mana Camp Raipur, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through it's Police Station Mana Camp, Civil & Revenue District- Raipur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri B.L.Sahu, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

11-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.105/17 on 14-6-2017 by P.S. Mana Camp, District- Raipur C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915 (in short 'the Act, 1915'). After investigation police had filed the charge sheet which is pending before the ACJM Raipur, C.G., which is registered as Criminal Case No.5633/17. Learned counsel for the applicant would further submit that the applicant is first offender. He will not commit any offence in future and as per the allegation, 5.940 bulk liter country liquor has been seized from the applicant . He may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that following matters have been registered against the applicant prior to the incident:-

Sl.No.	Crime No./Complaint No.	Section
01.	Crime No.89/06	34(2) of the Act, 1915
02.	Complaint No. 08/02/07	151, 107, 116(3) of the Cr.P.C.
03.	Crime No.69/08	324, 34 of the IPC
04.	Crime No.51/10	36(C) of the Act, 1915
05.	Complaint No. 151/16	151, 107, 116(3) of the Cr.P.C.
06.	Complaint No. 33/17	151, 107, 116 (3) of the Cr.P.C.

Hence, looking to the earlier criminal antecedent, the instant MCRC may be dismissed.

4. Perused the entire material.

5. After consideration of the criminal matters registered against the applicant, also preventive matters initiated against the applicant and other facts, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge