

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8118 of 2019**

- Sudha Ram Chelak S/o Pancham Chelak Aged About 52 Years R/o Khiloura, Police Station Bhatapara Gramin, District Baloda Bazar Bhatapara Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Excise Circle, Bhatapara, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant. : Shri Anil Gulati, Advocate.
For Respondent. : Shri B.L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17.12.2019**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 21/2019 registered at Police Station : Excise Circle, Bhatapara, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act.
2. It is the case of the prosecution that, on 23.10.2019, on the basis of secret information, 54.00 bulk liters of illicit foreign liquor was seized by the police from the custody of applicant and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He

further submits that as the applicant is in custody since 27.11.2019 and the trial is likely to take some time for its final disposal, he may be released on bail.

4. On the other hand, counsel for the State opposes the bail application and submits that there are 17 previous antecedents registered against the applicant and out of which 5 cases are in respect of Excise matter.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, in particular considering the case diary it emerges that there are 17 previous antecedents registered against the applicant and out of which 5 cases are in respect of excise matter which shows the gravity of the offence and habit of indulging in heinous crime of applicant as well, therefore, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge