

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2101 of 2021

- Dhanuk Dhimar son of Late Budhiyar Dhimar, aged about 52 years, R/o Village – Nikum, Police Station – Anda, District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Police Station – Anda, District : Durg (C.G.)

---- State/Non-applicant

For Applicant : Shri D. Kushwaha, Advocate

For Non-Applicant/State : Ms. Seema Dixit, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

22.03.2021

1. Heard.
2. Admit.
3. With the consent of learned counsel for the parties, the matter is heard finally.
4. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 26.02.2021 in connection with Crime No. 31/2021 registered in Police Station- Anda, District Durg (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.
5. Allegation against the present applicant is that he was found in illegal possession of 05.76 bulk liters of foreign liquor.
6. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He also submits that the applicant is in jail since 26.02.2021 and conclusion of the trial is likely to take some time, therefore, the applicant be released on bail.
7. On the other hand, learned counsel for the State opposes the bail

application. She submits that as per case diary, there are 19 criminal antecedents of the applicant and out of which total 13 cases are under the Excise Act, 01 case under the Gambling Act, 01 case under the IPC and 04 cases under the National Security Act.

8. Considering the facts and circumstances of the case, looking to 19 cases registered against the present applicant from the year 2006 to 2021 and previously there are number of cases registered against him under the Excise Act, he is a habitual offender, without expressing any opinion on merits of the case, this Court is of the opinion that present is not a fit case for releasing the applicant on bail. Accordingly, the application is rejected.

Sd/-

(Gautam Chourdiya)
Judge