

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 6327 of 2021

Dashrath Dahariya S/o Shri Hetram Aged About 33 Years R/o Village Raipura, Bhathapara, Police Station - Baradwar, Civil And Revenue District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Excise Circle Baradwar, Civil And Revenue District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant : Shri P.M. Shrivastava, Advocate

For Non-applicant : Shri Vaibhav Singh, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

29/11/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No. 68/2016 registered at Excise Circle Baradwar, District – Janjgir-Champa (CG) for the offence punishable under Section 34 (2) IPC.
2. Case of the prosecution is that, Excise Department received secret information on 5.8.2021 that the applicant is in possession of illicit

liquor. The employees of the Excise Department reached to the house of applicant and during course of search, they have recovered 90 bulk litres of handmade *mahua* liquor, based upon which, aforementioned crime was registered and applicant was arrested on the same day.

3. Shri P.M. Shrivastava, learned counsel appearing for the applicant would submit that applicant has not committed any offence as alleged against him. Seizure of illicit liquor as alleged was not from the conscious possession of the applicant but it has been mentioned in the charge sheet that it has been recovered in front of house of the applicant. Applicant is in jail since 5.8.2021 and hence he may be enlarged on bail.
4. Shri Vaibhav Singh, learned counsel for the State opposes the submissions made by learned counsel for the applicant and would submit that the applicant is habitual offender. There are as many as six criminal antecedents mentioned in the case diary, out of which, three are of the case of Excise Act in the year 2009, 2021. The crime bearing No.102 of 2021 is registered against the applicant for offence under Section 34 (1) of the Excise Act. Hence he is not entitled to grant of bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegation, the fact that the applicant is involved in similar crime in the year 2021 itself bearing Crime No.102 of 2021 registered at Police Station- Baradwar, I do not

find present to be a fit case for grant of bail to the applicant at this stage.

7. The application is accordingly dismissed.

Sd/-
(Parth Prateem Sahu)
Judge

Praveen