

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRCA No. 1559 of 2020

1. Sonu Mahobiya @ Raunak S/o Santosh Mahobiya Aged About 23 Years R/o Ward No. 4, Dhamdha, Tahsil -Dhamdha, District- Durg, Chhattisgarh

(Nick Name Of Applicant is Sonu Mahobiya whereas the actual name of applicant is Raunak Mahobiya, Which Is Mentioned In His School Record As Well As Adhar Card Also)

---- Applicant

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Station Chhuikhadan, District- Rajnandgaon, Chhattisgarh

---- Respondent

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|-----------------------|--------------------------------|
| For Applicant         | Mr. Aditya Khare, Advocate     |
| For Respondent /State | Mr. Ayaz Naved, Govt. Advocate |

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Hon'ble Mr. Justice Prashant Kumar MishraOrder on Board8/1/2021

1. The applicant has preferred this ***first bail application for grant of anticipatory bail***, as he apprehends his arrest in connection with Crime No.226/2020, registered at Police Station Chhuikhadan, District Rajnandgaon (CG), for offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.

2. Albeit applicant is sought to be arrested on the basis of statement of co-accused Yashwant Yadav, who was found to be in illicit possession on 9.900 bulk liters of liquor and the same has not been recovered from the applicant but considering his previous antecedents in respect of his involvement in the offence under Section 376 of the Indian Penal Code and under the Public Gambling Act and also considering the bar under Section 59-A(i) of the Chhattisgarh Excise Act, this Court is not inclined to extend the benefit of Section 438 of the Cr.P.C. to the applicant.
3. Accordingly, the bail application is rejected. In the event of surrender and moves the regular bail application by the applicant, the jurisdictional Court shall consider and decide the same expeditiously.

Sd/-

(Prashant Kumar Mishra)  
Judge

Gowri