

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8097 of 2021**

Tukaram Verma S/o Late Ramkumar Verma Aged About 26 Years R/o Village Kukurmuda, Tehsil Khairagarh District Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Police Station Khairagarh District Rajnandgaon Chhattisgarh.

---- Non-applicant

For Applicant : Mr. Abhishek Pandey, Advocate

For Non-applicant/State : Ms. Seema Dixit, P.L.

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****17.12.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 20.08.2021 in connection with Crime No.296 of 2021 registered at Police Station Khairagarh, District Rajnandgaon, Chhattisgarh for commission of offence punishable under Section 34(2) of Chhattisgarh Excise Act.
2. Case of prosecution, in brief, is that upon receiving secret information that some persons are carrying liquor on motorcycle bearing No.CG-08/AM/5348, applicant who was a rider of motorcycle, was intercepted, during search, police seized 11.800 bulk liters of country liquor from possession of applicant and co-accused, and they were arrested.
3. Mr. Abhishek Pandey, learned counsel for the applicant would submit that applicant has been falsely implicated, he has not

committed any offence, offence is triable by Magistrate, hence, applicant may be enlarged on regular bail.

4. Per contra, Ms. Seema Dixit, learned P.L. for the State opposing the submissions of learned counsel for the applicant, would submit that applicant is a habitual offender and there are two criminal antecedents against the applicant under Excise Act of the year 2020 and 2021 along with other criminal antecedents, hence, he is not entitled for bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, involvement of applicant in similar nature of crime of offence under Section 34 of Excise Act in the year 2020 and in the year 2021, I do not find it to be a fit case to enlarge the applicant on regular bail. Accordingly, bail application is dismissed.

Sd/-

(Parth Prateem Sahu)
Judge