

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8067 of 2021**

Hirendra Sahu S/o Shri Manthram Sahu Aged About 22 Years
R/o Village Bazar Atariya, Tehsil And Police Station
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 based on secret information, motorcycle bearing No.CG-08/AM/5348 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 four criminal antecedents against the applicant, out of which, two are under Excise Act of the year 2020 and 2021, 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 offence under Section 34 of Excise Act in the year 2020 and 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