

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5821of 2015

1. Tumman, aged about 45 years, S/o. Shri Jagguram Dewangan, R/o. Village-Medhra, P.S. Dongargarh, Civil and Revenue District – Rajnandgaon (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station – Dongargarh, District – Rajnandgaon (C.G.)

---- Respondent

For Applicant	: Mr. Devershi Thakur, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.429/2015, registered at Police Station – Dongargarh, District – Rajnandgaon (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 6.300 bulk liters and he was arrested on 21.09.2015.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and he has not committed any offence. He would further submit in another case, bailable warrant was issued to the Investigation Officer for his evidence but he did not turn up, consequently, the false case has been registered against the applicant. He would further submit that the applicant is in jail since

21.09.2015. He would further submit that looking to the quantity seized, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that earlier in the year 2014 itself, a case has been registered for keeping possession of 5.3 bulk liters of liquor and the case is pending and during the bail, he has again committed the offence, therefore, he prayed that the applicant may not be released on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the fact that the applicant has involved in the repeated commission of offence in the similar nature after grant of bail, therefore, I am not inclined to allow this application.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge