

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5957 of 2015

Shanti Bai Wd/o Late Puran Lal Aged About 45 Years R/o Village -
Kayabandha, P.S. - Rakhi, Tahsil - Arang, District Raipur
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : P. S. Rakhi, District Raipur
Chhattisgarh

---- Respondent

For Applicant	:-	Mr. C.R. Sahu, Advocate
For Respondent /State	:-	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

23/11/2015

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. 79/2015, registered at Police Station – Rakhi, District- Raipur (C.G.) for the offence punishable under Sections 34(2) of Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid was conducted by the police, 48.420 bulk liters of illicit liquor was recovered from the possession of the applicant.
- 3.
4. Learned counsel for the applicant submits that the applicant is in jail since 15.09.2015 and the seizure has having been made no further investigation is necessary.
5. Learned State counsel opposes the prayer for grant of bail and submits that the applicant has previous antecedents as he was already involved in similar nature of offence. It is submitted that in

the year 2015 itself one crime bearing No. 09/2015 was already registered under the Excise Act which is still pending against him.

6. Considering the fact that one case under the Excise Act is still pending and again within a short span of time similar nature of crime has been committed in 2015 itself, I am of the opinion, if the applicant is enlarged on bail again he would commit the similar offence. Therefore, taking into repetition of the crime, I am not inclined to allow this bail application.
7. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE

Santosh

(Goutam Bhaduri)

Judge

santosh