

HIGH COURT OF CHHATTISGARH, BIL

Order Sheet

MCRC No. 6075 of 2015

- Santosh Koushik, S/o Parsan Koushik, Aged About 35 Years, R/o Village Amsena, P.S. Hirri, District Bilaspur Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Excise Circle, Bilha, District Bilaspur Chhattisgarh.

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01.12.2015	Mr. Raghavendra Pradhan, counsel for the applicant. Mr. Anant Bajpai, Panel Lawyer, for the State. This is an application filed u/s 439 of Cr.P.C., seeking grant of bail to the applicant in connection with Crime No. 210 of 2015 registered at P.S. Excise Circle, Bilha, Distt. Bilaspur (C.G) for the offence punishable u/s 34(1)(A), 34(2) & 59 of C.G. Excise Act. As per the prosecution, on 15.10.2015 when a raid was conducted by the Police, 18 bulk litres of illicit liquor was recovered from the betel shop of the applicant, thereby the offence is committed. Learned counsel for the applicant submits that the liquor was not seized from the possession of the applicant and he has been falsely implicated in this case. Per contra, learned State Counsel opposes the bail and submits that in the year 2012, a case was registered against the applicant being Crime No.129/2015 for the	

Rao	charge u/s 36 of Excise Act wherein a fine of Rs.5000/- was imposed and further in the year 2015 itself, another case was registered against the applicant bearing Crime No.151/2015 for keeping 3.90 bulk litres of illicit liquor wherein he was bailed out, therefore, looking to the repetition of similar nature of crime, he may not be released on bail in this case. Having considered the fact that earlier the applicant was involved in two similar offences under the Excise Act in the year 2012 and 2015 and thereafter, within a close proximity of time again he committed the third crime in the year 2015 itself, I am of the opinion that if the applicant is released on bail, he would again repeat the offence. Therefore, I am not inclined to release applicant on bail. Accordingly, the bail application is rejected. Sd/- GOUTAM BHADURI JUDGE	
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