

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6392 of 2015

Dhaniram, S/o. Sumer Singh Diwan, Aged About 57 Years, By Caste - Kanwar, R/o. Village- Kauhakuda, P.S. & Tahsil Pithoura, Civil & Revenue Distt. - Mahasamund, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station - Pithoura, Distt. - Mahasamund, Chhattisgarh

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.176/2015 registered at Police Station- Pithoura, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. Case of the prosecution, in brief, is that on 05.10.2015 on a raid being made by the police, the applicant was apprehended with 5.400 bulk liters of illegal country made liquor.
3. Learned counsel for the applicant submits that the applicant is in jail since 05.10.2015 and taking into the quantity of seized liquor, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and he would submit that as per the information received a criminal case was pending under the same section bearing crime No.298/2014 which is still pending.

5. I have heard learned counsel for the parties and perused the case diary.
6. Having regard to the fact that the similar nature of case is pending against the applicant and present case is again committed within a short proximity of time, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed. However, the trial Court is expected to expedite the trial.

Sd/-
(Goutam Bhaduri)
Judge