

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6458 of 2015

Shankar Sahu S/o. Awadhram Sahu, aged about 20 years, R/o. of Indiranagar Near hanuman Mandir Baghera Durg, Tehsil and District Durg, Civil and Revenue District Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Chowki Incharge Anjora, Police Station- Pulgaon, District Durg (C.G.)

---- Respondent

For Applicant	:-	Shri Avinash Chand Sahu, Advocate
For Respondent/State	:-	Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30/11/2015

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. 540/2015, registered at Police Station- Chowki Anjora, Police Station- Pulgaon District Durg (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 16.200 bulk liters and he was arrested on 28.10.2015.
3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case and he is in jail since 28.10.2015. He further submits tha the seizure was not made from the applicant and therefore, he may be enlarged on bail.
4. Per contrar, State counsel opposes the bail application for grant of bail and submits that in the year 2015 itself in the crime No. 319 of 2015 , the applicant was arrested and granted bail, thereafter, the

applicant committed another offence under section 34(2) of the Excise Act and therefore, he should not be released on bail.

5. Considering the facts the applicant has committed similar offence in the year 2015 itself being crime no. 319/2015 under the Excise Act and looking to the repetition of crime within a short proximate of time, I am not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Santosh