

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6728 of 2015

Dinesh Kumar Sahu S/o. Asharam Sahu, aged about 35 years,
R/o.Village Parsuli, Police Station- Devri, Civil and Revenue District
Balod, District Balod (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through: Station House Officer, Police
Station- Devri, District – Balod (C.G.)

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/12/2015

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. 211/2015 registered at Police Station- Devri, District- Balod (C.G.) for the offence punishable under Sections 34(2) of C.G. Excise Act.
2. Case of the prosecution is that on 21.09.2015 at about 12.30 PM when the house of the present applicant was raided he was found to be possession of illicit liquor measuring 6.3 liters of country made liquor and he was arrested on 21.09.2015.
3. Counsel for the applicant submits that the applicant has been falsely implicated in this case and the charge sheet in this case has been filed and he is in jail since 21.09.2015 and therefore, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and submits that in the year 2013 one case in crime no. 46 of

2013; in the year 2014 one case in crime no. 96 of 2014 have been registered under the Excise Act and considering the offence committed by the applicant within short span of time, he should not be enlarged on bail.

5. Considering the facts that the applicant has committed similar offence bearing crime No. 46/ 2013, crime No. 96 of 2014 and crime No. 211 of 2015 under the Excise Act and looking to the repetition of crime within a short proximately of time, I am not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Santosh