

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6210 of 2015

Rakesh Tiwari, son of Shri Nand Kumar Tiwari, aged about 26 years, r/o village Luthra Police Station Sipat Distt. Bilaspur, Civil & Revenue District Bilaspur (Chhattisgarh) (Father's name has been wrongly mentioned in the impugned order) ... **Applicant**

Versus

State of Chhattisgarh, through Excise Circle Sipat, P.S. Excise District Bilaspur (C.G) ... **Respondent**

For the applicant	:	Mr. Dharendra Pandey, Advocate
For the Respondent	:	Mr. Ashok Swarnkar, Panel Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23 .11.2015

1. This is an application filed under section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant in connection with Crime No.193/2015 registered at Police station Excise Circle Sipat, P.S. Excise, Distt. Bilaspur for the offences punishable under sections 34(1)(3), 34(2), 59(A) of Excise Act.
2. As per the prosecution case, when a raid was conducted on 02.10.2015 in the house of applicant, by Excise Police Circle, Sipat, 24.6 litres of illicit liquor was recovered from his possession.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the seizure has also not made from the possession of the applicant, therefore, he submits that the applicant is entitled to be released on bail.
4. Per contra, learned State Counsel opposes the bail and submits that in the year 2013, a case was registered against the applicant under Sections 451, 354, 506 IPC and thereafter again in the year 2013 another case of similar nature was registered under Section 34(c) of the Excise Act. On being enquiry made about the status of earlier

cases, learned State Counsel submits that the case u/s 35(c) is pending and if the applicant is released on bail, he would again commit the offence.

5. Considering the fact that an earlier case under the Excise Act is still pending and taking into repetition of crime, I am not inclined to allow this bail application. Accordingly, it is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**

Rao