

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6267 of 2015

1. Rakesh Ahuja, S/o. Late Vijay Ahuja, aged about 38 years, R/o. Near Krishi Mandi, Nehru Nagar Ward Bhatapara, Police Station – Bhatapara, District (Revenue & Civil) – Balodabazar-Bhatapara (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station – Bhatapara (Town), District (Revenue and Civil) – Balodabazar-Bhatapara (C.G.)

---- Respondent

For Applicant : Mr. Sumit Jhawar, Advocate

For Respondent/State : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/11/2015

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.250/2015, registered at Police Station – Bhatapara (Town), District – Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
2. Case of the prosecution, in brief, is that on 02.10.2015, from the possession of the present applicant, 10.44 bulk liter English wine has been seized
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the applicant is in jail since 02.10.2015. He would further submit that looking to the quantity seized, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that earlier in the year 2010, a case under Section 36 of the C.G. Excise Act was registered. He would further submit that apart from the case under Indian Penal Code, two cases of Excise Act has been registered in the year 2015 and the instant offence is third in number, therefore, he prays that the applicant may not be released on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the fact that the applicant has involved in the repeated commission of offence in the similar nature after grant of bail, therefore, I am not inclined to allow this application.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge