

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6347 2015

1. Aghanu Patel, S/o. Tetkuram, aged about 41 years, R/o. Village-Salhekapa, Police Station- Takhatpur, District (Revenue & Civil) – Bilaspur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station – Takhatpur, District – (Revenue & Civil) – Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. Anand Kesharwani, Advocate
For Respondent/State	: Mr. Samir Behar, 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, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.247/2015, registered at Police Station – Takhatpur, District – Bilaspur (C.G.) for the offence punishable under Section 34 (2) (क), 59 क of C.G. Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 10 liters and he was arrested on 03.09.2015.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and he has not committed any offence. He would further submit that the applicant is in jail since 03.09.2015 and the charge-sheet in this case has been filed. 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 the applicant has a previous antecedent of the similar nature of Excise Act i.e. Crime No.134/2014, 138/2015 and the case were registered under Excise Act and the applicant has again committed the offence, therefore, he prayed 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. Having regard to the fact that the applicant has involved in the repeated commission of offence in the similar nature after grant of bail within a short proximity of time, 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