

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6700 of 2015

Manish Kumar Singh, S/o. Shiv Kesh Singh, aged about 22 years,
R/o Daltenganj, Police Station- Daltenganj, District Palamu,
(Jharkhand) present address Shanichari Bazar, Police Station- City
Kotwali, Tahsil- Bilaspur Civil and Revenue District Bilaspur
Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station
City Kotwali, District Bilaspur (C.G.)

---- Respondent

For Applicant	:-	Mr. Dharmesh Shrivastava, Advocate
For Respondent /State	:-	Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

21/12/2015

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. 365/2015, registered at Police Station – City Kotwali, District Bilaspur (C.G.) for the offence punishable under Sections 34(1) (a) and 59 (a) of the Chhattisgarh Excise Act.

2. The prosecution alleges that when a raid was conducted by the police, 6 bulk liters of illicit liquor was recovered from the possession of the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that the liquor was not seized from the exclusive possession of the applicant; therefore, he may be enlarged on bail.

4. Counsel for the State, on the earlier date of hearing, was directed to verify about the crime No. 295 of 2015 which was registered against the present applicant ?. State counsel submits about the crime No. 295/2015 which was registered under sections 34 and 36 of the Excise Act which is still pending against him.

5. Considering the fact that one case under the Excise Act is still pending and again within a short span of time similar nature of crime has been committed in 2015 itself, I am of the opinion, if the applicant is enlarged on bail again he would commit the similar offence. Therefore, taking into the repetition of the crime, I am not inclined to release the applicant on bail.

1. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)
Judge