

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 359 of 2016

- Kumar Ogare S/o Tilakram Aged About 45 Years R/o Village Daldali; Police Chowki Baya; District (Rev. And Civil) Baloda Bazar - Bhatapara Chhattisgarh.

--- **Petitioner**

Versus

- State of Chhattisgarh Through Police Chowki - Baya; Police Station Raja Devri; District (Rev. And Civil) Baloda Bazar - Bhatapara Chhattisgarh.

--- **Respondent**

For the applicant	:	Mr. Anand Kesarwani, Advocate.
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 62 of 2015 registered at Police Station Raja Devri, Distt. Baloda Bazar-Bhatapara (C.G) for the offences punishable under sections 34(2) of the C.G. Excise Act.
2. As per the prosecution case, on 29.12.2015 the police had a tip-off that the applicant has kept illicit liquor in his house and when the house of the applicant was raided, 5 litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that he has been falsely implicated and no seizure was made from the possession of the applicant and the applicant is in jail since 30.12.2015, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail and submits that one case u/s 34(2) was registered against the applicant and another six cases u/s 107 & 116 Cr.P.C., already stand registered against him. In addition, a case u/s 323 has also been registered against him. She further submits that initially similar nature of a case u/s 34(2) stand registered vide Crime No.12/2015 on 12.07.2015 and within a short span of time, again he repeated the instant crime. Therefore, she prays that the applicant may not be enlarged on bail.
5. Considering the fact that within a close proximity of time, the applicant has repeated the offence and further taking into background of the applicant, I am of the opinion that if the applicant is released on bail, again he would commit the offence. Therefore, I am not inclined to release him on bail. Accordingly, this bail application is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**