

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4474 of 2016

1. Neelkanth Ratre, S/o. Mangal Das Ratre, aged about 29 years, R/o. Sundari, Police Station Palari, District – Baloda Bazaar – Bhatapara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, P.S. - Palari, District – Baloda Bazaar - Bhatapara(C.G.)

---- Respondent

For Applicant : Mr. Yogesh Kumar Chandra, Advocate

For Respondent/State : Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/08/2016

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.265/2016, registered at Police Station – Palari, District- Baloda Bazaar- Bhatapara (C.G.) for the offence punishable under Section 34 (2) of the Excise Act.
2. Case of the prosecution, in brief, is that on 08.07.2016 from the possession of the applicant 8.64 liters liquor was seized.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and liquor was not seized in person from the present applicant and the applicant is in jail since 08.07.2016, therefore, 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 similar nature of case under Crime No.229/2016 was registered against the applicant, which was committed on 10.06.2016, therefore, the applicant may not be released on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and documents. Perusal of the documents shows that under Crime No.229/2016 similar nature of offence has been committed on 10.06.2016 and thereafter again on 08.07.2016 similar offence has been committed. Considering the fact that in a short proximity of time, the similar nature of offence has been repeated, I am not inclined to release the applicant on bail. However, the liberty is reserved to the applicant to repeat the bail application after examination of the seizure witnesses.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge