

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7391 of 2015

Rameshwar S/o. Devprasad Sahu, Aged About 42 Years, R/o Village Ahida, Police Outpost, Lavan, District Balodabazar, Bhatapara (C.G.)
Civil and Revenue District Balodabazar (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station Kasdol, Balodabazar, Bhatapara (C.G.)

---- Respondent

For Applicant	:-	Mr. V. K. Shrivastava, Advocate
For Respondent/ State	:-	Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

05/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 506/2015 registered at Police Station- Kasdol, Balodabazar, Bhatapara (C.G.) for the offence punishable under Sections 34(2) of C.G. Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 09 bulk liters of illicit country made liquor and he was arrested on 08.12.2015.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 08.12.2015; therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail and submits that the applicant has past antecedents and there are

seven cases are registered against this applicant under the Excise Act i.e. in the year 2010 - one case registered, 2011- one case, 2013- three cases, 2014 one case, and in year 2015 itself one case is registered in the similar nature of offence.

5. Considering the fact and the past antecedences of the applicant as he was involved in the similar nature of offence under the Excise Act 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 repetition of the crime, I am not inclined to allow this bail application.
6. Accordingly, the bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge