

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 8319 of 2016**

Ravindra Nath Manjhi, S/o. Late Nagendra Nath, Aged About 46 Years,  
R/o. PV-37, Tahsil & Police Station Pakhanjur, District- Kanker,  
Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through- Station House Officer, Police Station-  
Pakhanjur, District- Kanker, Chhattisgarh

**---- Respondent**

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For Applicant : Mr. Arun Kochar, Advocate

For Respondent : Mr. Wasim Miyan, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**06/01/2017**

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.141/2016 registered at Police Station- Pakhanjur, District Kanker (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. Case of the prosecution, in brief, is that on a raid being conducted on 04.12.2016 from the present applicant on a motorcycle total 10 liters of Mahuwa liquor was seized.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the applicant belongs to Manjhi caste and Section 61(d) of the Excise Act allows the applicant to have the possession of the said liquor, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that prior to four months of the incident, the

applicant was charged under Section 34(A) of the Excise Act in a Crime No.87/2016 and the date of earlier incident was 23.08.2016.

5. Perused the case diary and the documents. It appears that within a short proximity of time of four months, again the offence has been repeated despite the fact that the applicant was enlarged on bail on earlier occasion. Considering the repetition of offence by the applicant within a short proximity of time, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed. However, the applicant shall be at liberty to repeat the same after examination of the seizure witness.

Sd/-  
**(Goutam Bhaduri)**  
Judge