

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4226 of 2017**

- Manish Dubey S/o Shri Ambika Prasad Dubey, Aged About 40 Years R/o Village Bnendni Tahsil Beria, Police Station Bemetara District Bemetara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Throgh Station House Officer, Police Of Police Station Bemetara District Bemetara Chhattisgarh

---- Respondent

For Applicant : Shri AK Yadav, Advocate
 For Respondent/State : Shri UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****26.7.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.161/2017 registered in Police Station Bemetara, Distt. Bemetara (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 19.3.2017, after investigation police has filed charge sheet which is pending before Judicial Magistrate First Class, Bemetara as Criminal Case No.570/17. Learned counsel for the applicant would submit that this is the repeat bail application as the earlier bail application was decided on merits

on 04.5.2017 in M.Cr.C. No.2452/2017. The applicant is in custody since long, he may be granted bail and the panch witnesses have not supported the case of the prosecution.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant.

5. Perused the entire material.

6. Earlier bail application of the applicant was dismissed after considering the same on its merits. There is no change in the circumstances for the moment. I am not inclined to take a different view as taken earlier.

7. Consequently, the bail application filed under Section 439 of the Cr.P.C. is hereby dismissed.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE