

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6122 of 2018**

Manmohan Sonkar @ Baura S/o Ramswaymbar Sonkar Aged About 27 Years R/o Ward No. 3, Mauharpara, Manendragarh, Police Station And Tahsil Manendragarh, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through The Station House Officer, Police Station Manendragarh, District Korea CG

---- Non-applicant

For applicant	Mr. Anil Gulati, Adv.
For Respondent/State	Mr. Sumit Jhanwar, PL

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****10-9-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 231/2018 registered in police station Manendragarh, Distt. Korea (CG) for offence punishable under Section 34(2) of the CG Excise Act.
3. Perused the case diary.
4. Prosecution story in brief is that on 31-7-2018, ASI O.P. Dubey, P.S. Manendragarh received secret information, on the basis of which he seized 5.940 bulk litre country liquor from possession of the applicant.
5. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he may be released on bail.
6. On the other hand, the Panel Lawyer appearing for the state opposed the bail application and submitted that six other cases have been registered against the applicant under IPC.
7. Counsel for the applicant placed reliance on a judgment of Hon'ble Supreme Court in **Maulana Mohammed Amir Rashadi -v- State of Uttar Pradesh and another** [(2012) SCC 382]. He further submits that the applicant has been acquitted in most of the cases registered against him earlier.
8. In **Maulana Mohammad Amir Rashadi**(supra), the accused was a

sitting MP and he was in jail since 24-8-2009. After examination of two prosecution witnesses, a year had rolled. The Hon'ble Allahabad High Court granted bail to the accused imposing various conditions despite of the facts that 3 dozens of criminal cases were registered against the accused. The contesting second respondent filed the appeal against the order of Hon'ble Allahabad High Court. The Hon'ble Supreme Court dismissed the appeal.

9. The facts and circumstances of the present case are different from those of the cited case. In this case, the applicant is in jail since 31-7-2018. Looking to these facts and the other facts and circumstances, and also the impact of granting bail on the society where six criminal cases have been registered against the applicant earlier, applicant does not get any help for granting the bail from aforesaid cited case law. Thus, this Court is not inclined to grant bail to the applicant.
10. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge