

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6428 of 2018**

- Nandu Kannojiya S/o Gopal Kannojiya Aged About 54 Years R/o Ruwabandha Basti Police Station Bhilai Nagar Tahsil And District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Durg Chhattisgarh Police Station Bhilai Nager District Durg Chhattisgarh

---- Non-applicant

For Applicant : Shri Punit Ruparel, Advocate

For Non-applicant : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****17.09.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. The applicant has been arrested in connection with crime No. 364/2018 registered at Police Station – Bhilai Nagar, District – Durg (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
3. Case of the prosecution, in brief is that on 12.08.2018, 5.4 bulk liters country made liquor has been seized from the applicant.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail

application. He further submits that twenty cases have been registered against the applicant; out of which eight were under the Excise Act and twelve were under IPC and other Acts.

6. Counsel for the applicant further submits that the applicant has been acquitted in three cases out of the aforesaid cases and he has not been convicted in any case.

7. Looking to the above facts and circumstances of the case, looking to this fact that 20 other cases have already been registered the applicant, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.

8. Accordingly, the application is rejected.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE