

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8197 of 2018**

Pradeep Jain, S/o Shri Nemichand Jain, aged about 30 years, resident of Sanyasi Para, Khamtarai, P.S. Khamtarai, District Raipur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Khamtarai, District Raipur (CG).

---- Non-applicant

For Applicant : Mr. K.K. Singh, Advocate

For Non-applicant : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****27.10.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the copy of charge-sheet provided by the counsel for the State in connection with Crime No.550/2018 registered in Police Station Khamtarai, District Raipur for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that on 04.10.2018, 8.00 bulk liters country made liquor has been seized from the possession of the applicant.
4. Counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the case. He further submits that no other criminal case under Excise Act has been registered against the applicant and as such the applicant may be released on bail.
5. Counsel for the State opposes the prayer for grant of bail. He further submits that previously 19 other criminal cases, out of which, 07 cases under of CrPC and 12 cases under of IPC Act have already been

registered against the applicant hence he is not entitled for grant of bail.

6. At this stage, counsel for the applicant submits that all the other criminal cases registered against the applicant are old and at present no other criminal cases have registered against the applicant.

7. I have heard counsel appearing for the parties and perused the case diary with utmost circumspection.

8. Looking to the facts and circumstances of the case, looking to this facts that 19 other criminal cases have already been registered against the applicant, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.

9. Consequently, the bail application is rejected.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-