

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9022 of 2018**

Dipak Das Manikpuri, son of late Narayan Das Manikpuri, aged about 30 years, R/o Chuchuhiyapara, Ganesh Nagar, Police Station Sirgitti, Civil and Revenue District Bilaspur (CG).
---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Sirgitti, District Bilaspur (CG).
---- Non-applicant

For Applicant : Mr. Vinod Kumar Tekam, Advocate

For Non-applicant : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

26.11.2018

1. This is second bail application filed under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.427/2018 registered in Police Station Sirgitti, Civil and Revenue District Bilaspur for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. The first bail application of the applicant was dismissed as withdrawn by this Court by order dated 27.10.2018 passed in M.Cr.C. No.8212 of 2018.
4. Case of the prosecution, in brief, is that on 24.06.2018, 5.760 bulk liters country made liquor has been seized from the possession of the applicant.
5. Counsel for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in the case and as such the applicant may be released on bail.
6. Counsel for the State would submit that 07 criminal cases have already been registered against the applicant, out of which, 05 cases under of CrPC and 02 cases under of Gambling Act.
7. At this stage, counsel for the applicant would submit that others criminal cases are preventive in nature.
8. Looking to the facts and circumstances of the case, looking to this facts that 07 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 second bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-