

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9387 of 2018**

Bala Prasad Choudhari, son of Guljar Prasad Choudhari, aged about 39 years, R/o Bajarpara, Pendra, Tahsil Pendra, District Bilaspur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House officer, Police Station Pendra, District Bilaspur (CG). **---- Non-applicant**

For Applicant : Mr. Yogendra Chaturvedi, Advocate

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

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

29.11.2018

1. Counsel for the applicant submitted that he does not want to press I.A. No.1/2018 application for grant of ad-interim bail hence the said application is dismissed without considering on merits of application.
2. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
3. Perused the copy of case diary provided by the counsel for the State in connection with Crime No.407/2018 registered in Police Station Pendra, District Bilaspur for the offence punishable under Sections 34(2) & 59(A) of the Chhattisgarh Excise Act.
4. Case of the prosecution, in brief, is that on 16.11.2018, 7.560 bulk liters foreign 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 oppose the prayer for grant of bail. He would further submit that five other criminal cases under of CrPC have already been registered against the applicant.
7. At this stage, counsel for the applicant would submit that no case under of Excise Act has been registered against the applicant.
8. Looking to the facts and circumstances of the case, looking to this facts that 05 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. Consequently, the bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-