

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9702 of 2018**

Bhutu @ Ratanakar Boral S/o Late Visheshar Boral Aged About 38 Years R/o Ward No. 4, Jhagrakhand, Police Station Jhagrakhand Tahsil Manendragarh District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through Excise Circle Manendragarh Tahsil Manendragarh District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Hemant Kumar Agrawal, Advocate
For the State	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**12/12/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.49/2018 registered in Police Station Excise Circle Manendragarh, District Korea (C.G.) for the offence punishable under Section 34(1)(A), 34 (2) of CG Excise Act.
3. Argument heard.
4. Case of the prosecution, in brief is that on 16/10/2018 Excise Sub Inspector Circle Manendragarh seized 12 bulk liters of hand made country liquor has been seized from the possession of the applicant.
5. Counsel for the applicant submitted that he is innocent and falsely implicated in the present case, applicant is in jail since 16/10/2018 and charge-sheet has been filed.
6. Counsel for the State submits that 11 other criminal cases have been registered against the applicant out of which 4 under IPC, 1 under Arms Act, 1 under Gambling Act, 5 under Section 107 and 116 of CrPC.
7. Counsel for the applicant further submitted that the alleged place of occurrence is not clear, there is some violation of legal provision, litmus paper has not been seized. He drew my attention of Section 54 of Evidence Act.
8. Section 54 of Evidence Act is regarding to the previous bad character of the

accused. That provision does not deal with the previous registered cases.

9. The aforesaid facts raised by the counsel for the applicant are the subject matter of the scrutiny it could be done by the trial Court at the time of disposal of the case.
10. Looking to the facts and circumstances of the case, looking to this fact that 11 criminal cases have registered against the applicant, this Court is not inclined to grant the benefit under Section 439 of CrPC to the applicant.
11. Accordingly, bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge

Kamde