

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 75 of 2019**

Jaleshwar Tewalkar, S/o Panchram Tewalkar, aged about 48 years, R/o Village Sambalpur, Police Station Nandghat, District Bemetara (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Nandghat, District Bemetara (CG).

---- Non-applicant

For Applicant	: Mr. Hemant Kesharwani , Advocate
For Non-applicant	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

28.01.2019

1. This is first bail application 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.476/2018 registered in Police Station Nandghat, District Bemetara for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that on 6.300 bulk liters country made liquor has been seized by the applicant.
4. Counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the case and as such he may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail. He further submits that 16 criminal cases, out of which, 11 cases under of Cr.P.C. and 05 cases under of Excise Act have already been registered against the applicant.
6. Counsel for the applicant further submits that the applicant has not convicted in any case and maximum registered cases are bailable. The applicant is in jail since 15.12.2018 hence he may be released on bail.
7. Looking to the aforesaid facts and circumstances of the case, looking to this fact that 16 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.
8. Certified copy as per rules.

SD/-
(Sharad Kumar Gupta)
JUDGE