

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.2276 of 2019**

Ashok Kumar Kesharwani, aged about 46 years, S/o Shri Shubhram Keshwarwani,
R/o Village Kera, Tahsil and P.S. Navagarh, District Janjgir Champa (CG).

---- Applicant**Versus**

State of Chhattisgarh, through District Magistrate, Janjgir Champa (CG).

---- Non-applicant

For Applicant : Mr. Ashutosh Trivedi, Advocate

For Non-applicant/State : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

08.04.2019

1. This is second 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.17/2019 registered in Police Station Navagarh, District Janjgir Champa for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. The second bail application of the applicant was dismissed as withdrawn by this Court vide order dated 05.03.2019 passed in M.Cr.C.No.1356/2019.
4. Case of the prosecution, in brief, is that on 30.01.2019, 5.200 bulk liters country made liquor has been seized from the applicant.
5. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the present case. He further submitted that in another case the present applicant is not the main accused and as such he may be released on bail.
6. On the other hand, counsel for the State submitted that four criminal cases, out of which, two cases under IPC, one case under CrPC and one case under Excise Act have already been registered against the applicant in police case diary.
7. Looking to the above facts and circumstances of the case and looking to this fact that four 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 second bail application is rejected.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE