

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2279 of 2019**

Govinda Diwakar, son of late Shri Rajaram Diwakar, aged about 24 years, R/o Village Dhorabhata, Police Station Hirri, District Bilaspur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Hirri, District Bilaspur (CG).

---- Non-applicant

For Applicant	: Ms. Jyoti Rathore, Advocate
For Non-applicant	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

04.04.2019

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.61/2019 registered in Police Station Hirri, District Bilaspur for the offence punishable under Sections 34(2), 36 of Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that on 21.03.2019, 6.120 bulk liters of country made liquor has been seized from the applicant.
4. Counsel for the applicant submitted that the applicant has not committed any offence and he is an innocent person and as such he may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. However, he submitted that twelve criminal cases, out of which, one case under IPC, two cases under Gambling Act, one case under Excise Act and eight cases under CrPC have already been registered against the applicant in police case diary.
6. Looking to the facts and circumstances of the case, looking to this fact that twelve 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.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE