

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.2372 of 2019**

Shivkumar son of Horilal Yadav, aged about 64 years, R/o Village Kachhar, Police Station Koni, District Bilaspur (CG). **---- Applicant**

Versus

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

For Applicant : Mr. S.R.J. Jaiswal, Advocate
For Non-applicant/State : Mr. Vikram Dixit, Govt. Advocate_

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

08.04.2019

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.85/2019 registered in Police Station Koni, District Bilaspur for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that on 16.03.2019, 7.00 bulk liters hand made country liquor has been seized from the applicant.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the present case and as such he may be released on bail.
5. On the other hand, counsel for the State submitted that four criminal cases, out of which, one case under NDPS Act and three cases under CrPC have already been registered against the applicant in police case diary.
6. 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.
7. Consequently, the bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE