

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 2537 of 2019

Rajkumar Sahu @ Raju, son of Shri Janmejaya Sahu, aged about 54 years, R/o Near School Ganga Nagar, Khamtarayee, District Raipur (CG). **--- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Khamtarayee, Civil and Revenue District Raipur (CG). **---- Non-applicant**

For Applicant : Ms. Laxmeen Kashyap, Advocate
 For Non-applicant : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

12.04.2019

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.66/2019 registered in Police Station Khamtarayee, Civil and Revenue District Raipur for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
3. The first bail application of the applicant was dismissed as withdrawn by this Court on 05.03.2019 passed in M.Cr.C. No.1451/2019.
4. Case of the prosecution, in brief, is that on 13.02.2019, 5.400 bulk liters foreign 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 case and as such he may be released on bail.
6. Counsel for the State opposed the prayer for grant of bail. He further submitted that previously six criminal cases, out of which, five cases under Excise Act and one case under NDPS Act have already been registered against the applicant in police case diary.
7. Looking to above facts and circumstances of the case, looking to this fact that six 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

L/-