

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2649 of 2019**

Mithalesh Dewar, son of Santosh Dewar, aged about 27 years, R/o Subhash Nagar, Telibandha, Raipur, Tahsil and District Raipur (CG). ---- **Applicant**

Versus

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

For Applicant	: Ms. Laxmeen Kashyap, Advocate
For Non-applicant	: Ms. Sangeeta Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

16.04.2019

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.167/2019 registered in Police Station Telibandha, Civil and Revenue District Raipur for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that on 28.03.2019, 6.300 bulk liters foreign liquor has been seized from the possession of applicant.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case and as such the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. She submitted that seven criminal cases, out of which, six cases under IPC and one case under Excise Act 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 seven 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