

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3568 of 2019**

- Balaram S/o Chaitram Nishad Aged About 42 Years R/o Village - Tulsi, Thana And Tahsil - Simga, District Baloda Bazaar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station - Simga, District Baloda Bazaar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant : Shri Dhirendra Pandey, Advocate.

For Non-applicant : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****09.08.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 56/2019 registered at Police Station – Simga, District – Baloda Bazaar-Bhatapara (C.G.) for the offence punishable under Sections 34(2), 36 of the Excise Act.
3. Case of the prosecution, in brief is that on 03.03.2019 on the memorandum of coaccused Mahesh Ghritlahre 18 bulk litres of foreign liquor was seized from the courtyard of the applicant.
4. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, therefore, he shall be released on

bail.

5. On the other hand, learned counsel for the State opposes the bail application and submits that five other criminal cases have been registered against the applicant out of which 3 are under the Excise Act and 2 are under Section 107/16 Cr.P.C.

6. The counsel for the applicant further submits that the applicant is in jail since 09.05.2019. The cases registered under Cr.P.C. do not amount to offence. There is no punishment for the cases registered under Cr.P.C., thus he may be released on bail.

7. Mere detention period itself is not a sole ground to release the accused on bail. Though, offences registered under Cr.P.C. are not punishable but it cannot be said that they do not amount to offence.

8. Looking to the above mentioned facts and circumstances of the case, looking to the fact that 5 other criminal cases have been registered against the applicant, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.

9. Accordingly, the present bail application is rejected. However, the trial Court is directed to expedite the trial and dispose off the case as soon as possible.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE