

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4322 of 2019

Jhuru Satnami, aged about 60 years, S/o Shri Kaliram Satnami, R/o Gram Khairi, P.S. Palari, District Balodabazar, Bhatapara (CG).

---- Applicant

Versus

State of Chhattisgarh, through Police Station Excise Circle, Balodabazar, Civil & Revenue District Balodabazar Bhatapara (CG).

---- Non-applicant

For Applicant	:	Mr. S.S. Baghel, Advocate
For Non-applicant	:	Ms. M.Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

23.07.2019

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.164/2019 registered in Police Station Excise Circle, Balodabazar for the offence punishable under Sections 34(1)(A), 34(2), 59(A) of the Chhattisgarh Excise Act.
3. The first bail application of the applicant was dismissed as withdrawn by this Court vide order dated 24.04.2019 passed in M.Cr.C.No.2021/2019.
4. Case of the prosecution, in brief, is that on 13.03.2019, 20.00 bulk liters country made liquor was seized from the possession of the applicant.
5. Counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the case. He further submits that seizure witnesses have been examined before the trial Court, who turned hostile and as such the applicant may be released on bail.
6. Counsel for the State opposes the bail application. However, she further submits that 5 other criminal cases, out of which, 04 under CrPC and 01 under IPC have already been registered against the applicant in police case diary.

7. Looking to the facts and circumstances of the case, looking to this facts that 05 other 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. However, the trial Court is directed to expedite the trial and conclude the case as early as possible from the date of receipt of certified copy of this order.
8. Certified copy as per rules.

L/-

Sd/-
(Sharad Kumar Gupta)
JUDGE