

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4822 of 2019**

- Ishwar Gond S/o Santram Gond Aged About 42 Years R/o Vilage Semra, Bhaisamunda, Dera, P.S.- Gidhuri, District- Baloda-Bazar- Bhatapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. P.S.- Gidhuri, Tundra, District- Balodabazar-Bhatapara, Chhattisgarh

----Non Applicant

For the Applicant : Mr. Aman Kesharwani, Advocate

For Non Applicant : Mr. Suyash Dharmadhikari, Panel
Lawyer

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

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was rejected by this Court by order dated 16.05.2019 passed in MCRC No.2554 of 2019.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.81/2019 registered at Police Station- Gidhuri, Revenue & Civil Distt.- Baloda-Bazar- Bhatapara (C.G.) for the offence punishable under Section 34(2) of Excise Act.
4. Case of the prosecution in brief is that on 04.04.2019, 7 bulk liters of

hand made country liquor was seized from the possession of the applicant.

5. Counsel for the applicant submitted that applicant is in jail since 4 months. In other criminal cases he has been acquitted. Thus, applicant may be released on bail.
6. On the other hand, learned counsel for the State opposed the bail application, however, he submits that 18 other criminal cases have been registered against the applicant, out of which, 13 under CrPC, 3 under IPC and 2 under Excise Act.
7. Merely because applicant is in jail since 4 months is itself not a sufficient ground to enlarge the applicant on bail.
8. Looking to the above mentioned facts and circumstances of the case, there is no change of circumstance which may entitle the applicant to be released on bail in second round of litigation. Consequently, the second bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge

pm