

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4957 of 2019**

Prem Deepak, son of Sanju Sahu, aged about 19 years, R/o Ashok Nagar,
Police Station Sarkanda (near Mahamaya I.T.I.), District Bilaspur (CG).

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Sarkanda,
District Bilaspur (CG).

---- Non-applicant

For Applicant	: Ms. Meenu Banerjee, Advocate
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

20.08.2019

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.160/2019 registered in Police Station Sarkanda, District Bilaspur for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. The first bail application of the applicant was dismissed as withdrawn by this Court vide order dated 12.04.2019 passed in M.Cr.C. No.2120/2019.
4. Case of the prosecution, in brief, is that on 14.02.2019, 6.00 bulk liters country made liquor has been seized from the possession of the applicant.
5. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case. She further submitted that seizure witnesses have been turned hostile before the trial Court and as such the applicant may be released on bail.
6. Counsel for the State opposed the bail application and submitted that 06 criminal cases, out of which, 03 under IPC, 02 under CrPC and 01 under Arms Act have already been registered against the applicant.

7. Looking to the facts and circumstances of the case, looking to this facts that 06 criminal cases, out of which, 03 under IPC, 02 under CrPC and 01 under Arms Act 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.
8. Consequently, the second bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-