

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9443 of 2018

Memin Bai, W/o Budhram Satnami, Aged about 48 years, R/o village Bahera, Tahsil and Police Station Berla, District Bemetara (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Excise Circle, Bemetara, Revenue & Civil District Bemetara (CG). **---- Non-applicant**

For Applicant : Mr. Keshav Prasad Gupta, Advocate
 For Non-applicant : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

03.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the copy of case diary provided by the counsel for the State in connection with Crime No.97/2018 registered in Police Station Excise Circle Bemetara for the offence punishable under Sections 34(1)(A), 34(2), 59(A) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that on 05.11.2018, 7.380 bulk liters foreign liquor has been seized from the possession of the applicant.
4. Counsel for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in the case. She is in custody since back 05.11.2018 and as such the applicant may be released on bail.
5. Counsel for the State would submit that 07 criminal cases, out of which, 05 cases under Excise Act and 02 under CrPC have already been registered against the applicant hence she is not entitled for grant of bail.
6. At this stage, counsel for the applicant would further submit that the applicant has already been acquitted in three criminal cases.
7. Looking to the facts and circumstances of the case, looking to this facts that 07 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.
8. Consequently, the bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-