

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9773 of 2018**

Padmini Sahu @ Marry W/o Jogender Aged About 39 Years R/o
Devridih ,police Station Torwa ,district Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Torwa District
Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Ms. Shivali Dubey, Advocate
For the State	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**04/01/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.474/2018 registered in Police Station Torwa, District Bilaspur (C.G.) for the offence punishable under Section 34(2), 59(a) of CG Excise Act.
3. Argument heard.
4. Case of the prosecution, in brief is that on 23/11/2018, 5.940 bulk liters of hand made county liquor has been seized from the possession of the applicant.
5. Counsel for the State submits that 8 criminal cases have been registered against the applicant, out of which five cases under NDPS Act and one case under IPC and two cases under CrPC.
6. Counsel for the applicant further submitted that no other excise case has been registered against the applicant except this case, applicant is HIV plus patient, thus he may be released on bail.
7. Looking to the above facts and circumstances of the case, looking to this case fact that eight other criminal cases have been registered against the applicant, this Court is not inclined to give the benefit under Section 439 of CrPC, accordingly bail application is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge