

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9796 of 2018**

Suresh @ Kalu Bagh S/o Shri Ajit Bagh Aged About 35 Years R/o Arjun Nagar Samta Colony Police Station Azad Chowk Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh .

---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer Police Station Azad Chowk Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- **Respondent**

For the Applicant	:	Ms. Sunita Sahu, Advocate
For the State	:	Shri A.K. Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**02/01/2019**

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.307/2018 registered in Police Station Azad Chowk, Raipur, District Raipur (C.G.) for the offence punishable under Section 34(2) of CG Excise Act.
3. Argument heard.
4. Case of the prosecution, in brief is that on 11/11/2018, 5.220 bulk liters of foreign liquor has been seized from the possession of the applicant.
5. Counsel for the State submits that five other criminal cases have been registered against the applicant out of which two under IPC and three under Excise Act.
6. Counsel for the applicant further submits that applicant has already been acquitted from the offence punishable under IPC.
7. Looking to the facts and circumstances of the case, looking to this fact that five 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
 Judge