

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3274 of 2015**

Kishore Ram Lohar, S/o. Shri Dilsai Lohar, Aged About 25 years, R/o. Village Bandarchuwan, Thana, Tah. and Post Kansabel, District Jashpur Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station Kansabel, Revenue and Civil Distt. Jashpur Chhattisgarh

---- Respondent

For Applicant	Shri Shivendra Bhardwaj, Advocate
For Respondent/State	Shri Om Prakash Sahu, Govt. Advocate for the State.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****30/06/2015**

Heard on admission.

(1) This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.17/2015 registered at Police Station Kansabel, Revenue and Civil District Jashpur for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

(2) The first bail application was dismissed as withdrawn with liberty to file bail application after filing of the charge-sheet and examination of the material prosecution witnesses.

(3) Case of the prosecution, in brief, is that, the present applicant was found in possession of 81.76 bulk liters of illicit liquor.

(4) Learned counsel appearing for the applicant submits that the material prosecution witnesses who are examined before the trial Court and they have not supported the case of prosecution and, therefore, he is entitled to be released on bail.

(5) On the other hand, learned counsel for the State opposes the bail application.

(6) I have heard learned counsel for the parties and perused the case diary.

(7) Taking into consideration the facts and circumstances of the case and further taking into consideration the provisions contained in Section 59-A(ii) of the Chhattisgarh Excise Act and quantity of liquor seized from the possession of present applicant, I do not consider it a fit case to entertain the second bail application, therefore, the second bail application is rejected.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-