

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5839 of 2015**

1. Chetanand S/o Shyamlal Sahu Aged About 29 Years R/o Village Salhekala, Police Station & Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.
2. Ghasiyaram S/o Ram Bharosa Yadav Aged About 63 Years R/o Village Salhekala, Police Station & Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The District Magistrate
Rajnandgaon, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicants:	Shri Purunendra Khichariya, Advocate.
For Respondents	Shri D.R. Minj, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****26/10/2015**

Heard.

(1) The accused/applicants have moved this Second bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No.207/2015 registered at Police Station – Khairagarh, District-Rajnandgaon for the offence punishable under Section 34 of the C.G. Excise Act.

(2) The applicants' first bail application was dismissed as withdrawn by order of this Court dated 28.07.2015 passed in M.Cr.C. No. 3444/2015.

(3) Case of the prosecution, in brief, is that applicants were found in possession of 315 bulk liters of illicit country made liquor.

(4) This second bail application has been filed along with statements of the prosecution witnesses stating that they have not supported the case of the prosecution.

(5) Considering the totality of the facts, in particular, the provisions contained in Section 59-A(ii) of the C.G. Excise Act, 1915; and looking to huge quantity of liquor seized from the possession of the applicants; I am not inclined to release the applicants on bail. Thus, the second bail application is rejected.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-