

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6557 of 2016

1. Smt. Kusum Pawale, W/o. Sanjay Pawale, aged 34 years, R/o. Shankar Nagar, Kharmora, Tahsil and District – Korba (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : P.S. - Excise Circle, Korba (South), District – Korba (C.G.)

---- Respondent

For Applicant : Mr. R.K. Gupta, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

06/10/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.79/2016, registered at Police Station – P.S. Excise Circle Korba (South), District – Korba (C.G.) for the offence punishable under Section 34 (1) (a), 34 (2), 59(a) of the C.G. Excise Act. The first bail application was dismissed as withdrawn vide order dated 31.08.2016 in M.Cr.C. No.5101/2016 with liberty to repeat the same after examination of the seizure witness.
2. As per prosecution case, it is alleged that the applicant was found to be in possession of illicit liquor measuring about 17.14 bulk liters and she was arrested on 21.07.2016.
3. Learned counsel for the applicant submits that till date no seizure witness has been examined, therefore, the repeat bail application

has been preferred and prays that the applicant may be enlarged on bail.

4. Perused the earlier order dated 31.08.2016, wherein the liberty was given to the applicant to repeat the bail application after seizure witnesses are examined. Admittedly, the seizure witnesses have not been examined. Consequently, there is no change of circumstances appears to reconsider the bail application again. Therefore, I am not inclined to entertain the bail application at this stage.
5. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge