

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 1429 of 2017**

Raj Thakur, S/o. Shri Sher Singh, Aged About 24 Years, R/o. Near Mangal Bazar, Idgabhatha Raipur, Tahsil & District Raipur, Chhattisgarh

**---- Applicant**

**Versus**

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

**---- Respondent**

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For Applicant : Ms. Vijay Laxmi Sarwa, Advocate.

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**27.03.2017**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.206/2016 registered at Police Station- Ajad Chowk Raipur, District Raipur (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act. The first bail application was dismissed as withdrawn on 06.12.2016 in MCRC No.7662 of 2016 with liberty to file afresh after examination of the seizure witnesses.
2. As per the prosecution case, the applicant was arrested on 01.09.2016 as from his possession, total 6.300 bulk liters of country made liquor was recovered.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and no progress in the trial has taken place, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Perused the earlier order dated 06.12.2016, which shows that the first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the seizure witnesses and it would reveal that the seizure witnesses have not been examined and no order sheet has been filed to show the cause of delay. In view of this, I do not find any change of circumstances to reconsider this second bail application.
6. Accordingly, the bail application is dismissed at the admission stage itself.

Ashok

Sd/-  
**(Goutam Bhaduri)**  
Judge