

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 222 of 2019**

Dalu @ Prahlad Yadav S/o Late Jaykumar Yadav Aged About 26 Years
R/o Mopka ,thana Sarkanda ,district Bilaspur Chhattisgarh.

---- **Applicant**

Versus

State Of Chhattisgarh Through Police Station Sarkanda District
Bilaspur Chhattisgarh.

---- **Respondent**

For the Applicant : Shri A.K. Yadav, Advocate
For the State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**21/01/2019**

1. This is the second bail application under Section 439 of the CrPC.
2. The applicant has been arrested in connection with Crime No.838/2018 registered in Police Station Sarkanda, District Bilaspur (C.G.) for the offence punishable under Section 34(2) of CG Excise Act.
3. Case diary is not produced. Photocopy of the charge-sheet produced by counsel for the applicant.
4. Earlier bail application was rejected by this Court on 26/11/2018 in MCRC No. 8865/2018 considering the *prima facie* case and looking to this fact that four other criminal cases have been registered against the applicant, out of which two under IPC and two under CrPC.
5. Case of the prosecution, in brief is that on 07/10/2018, 6.5 bulk liters of hand made country liquor has been seized from the possession of the applicant.
6. Counsel for applicant further submitted that applicant is in jail since 3½ months except one case of IPC no other criminal case is pending against him. The quantity is not huge, seizure witnesses have been turned hostile thus he may be released on bail.
7. Mere turning of seizure witnesses is not a sufficient ground to enlarge the accused on bail.
8. Looking to the facts and circumstances of the case, this Court is find that there is no change of circumstance, the bail application of the applicant is dismissed in second round.

Sd/-

(Sharad Kumar Gupta)
Judge