

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 960 of 2019**

- Tikendra Sahu S/o Tikaram Sahu Aged About 32 Years R/o Post Sondra, Village-Saknra, Tehsil- Dharsiwa, Police Station- Dharsiwa, Civil And Revenue District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Dharsiwa, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Ashutosh Pandey, Advocate.
For Non-applicant	: Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

18.02.2019

1. Heard on IA No.1.
2. Looking to the facts and circumstances of the case, I.A. No.1 is allowed. Documents are taken on record.
3. Heard on bail application.
4. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
5. Earlier, the first bail application of the applicant has been rejected by this Court on 02.01.2019 in MCRC No. 9656 of 2018 considering the prima facie materials available on record.
6. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 503/2018 registered at Police Station – Dharsiwa, District Raipur (C.G.) for the offence punishable under Section 34(2), 59(A) of CG Excise Act.
7. Case of the prosecution, in brief is that on 16/11/2018 from the courtyard of the applicant at village Sankra, 250.380 bulk litre of country made liquor was seized.
8. Learned counsel for the applicant argued that now charge sheet has been filed, seizure witnesses have turned hostile, vehicle from which liquor was seized is the name of another person and that person has also turned hostile, thus he may be released on bail.
9. On the other hand, learned counsel for the State opposes the bail application and submitted that one another criminal case under Explosive Act has been registered against the applicant.
10. The aforesaid facts which have been raised by counsel for the applicant are the subject matter of scrutiny which would be done by the trial court at the time of disposal of the case. Mere filing of charge sheet is not a sufficient ground to enlarge on bail the accused in second round. There is no change in circumstances.
11. Accordingly, the present bail application is rejected.
12. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE