

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1533 of 2019**

- Ramprakash Singh S/o Late Tej Pratap Singh, Aged About 49 Years R/o Plot No. 25, Model Town Nahru Nagar, Bhilai, District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kanker Chhattisgarh

----Non Applicant

For the Applicant : Mr. C.P. Soni, Advocate

For Non Applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****11.03.2019**

1. 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.
2. Earlier, the first bail application of the applicant was dismissed as withdrawn by this Court by order dated 11/01/2019 passed in MCRC No.261 of 2019.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.336/2018 registered at Police Station- Kanker (C.G.) for the offence punishable under Section 34(2) of the CG Excise Act.
4. Case of the prosecution in brief is that on 10.10.2018, 360 bulk liters of foreign liquor was seized from the possession of the applicant.
5. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
7. Counsel for the applicant further submits that seizure witnesses have been turned hostile during the trial, thus applicant may be released on bail.
8. Merely, turning hostile of seizure witnesses is not itself a sufficient ground to release the accused on second bail.
9. Looking to the facts and circumstances of the case, looking to the alleged seized huge quantity of foreign liquor, this Court is not inclined to grant the bail to the applicant. Consequently, the second bail application is rejected.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge