

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1480 of 2019**

- Tulsiram Yadav S/o Late Hinsaram Yadav Aged About 50 Years R/o Village Tendubhata, (Chakarbhata) Thana Ratanpur District Bilaspur Chhattisgarh

----Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Ratanpur District Bilaspur Chhattisgarh

----Non Applicant

For the Applicant : Shri Rohit Sharma, Advocate

For Non Applicant : Shri Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****05.03.2019**

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 rejected by this Court on 27.11.2018 in MCRC No.9073 of 2018, looking to the facts and circumstances of the case, looking to this fact that 150 bulk liters of hand made country liquor was seized from the possession of the applicant.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.400/2018 registered at Police Station- Ratanpur, District- Ratanpur (C.G.) for the offence punishable under Sections 34(2) & 59(1) of the CG Excise Act.
4. Argument heard.
5. Counsel for the applicant submitted that in the case in hand seizure witnesses have been turned hostile before the trial Court and he further submitted that applicant has already suffered the minimum prescribed imprisonment for the offence and as such applicant may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
7. Turning hostile of seizure witnesses is not a sole ground to release the applicant on bail there is no change in the circumstances which may entitle applicant to release on bail in second round of litigation. Consequently, the second bail application is rejected.
8. Certified copy as per rules.

Sd/-**(Sharad Kumar Gupta)**

Judge

Parul