

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2152 of 2019**

- Vishwanath Sahu @ Chhotu S/o Late Shri Basant Sahu Aged About 28 Years R/o Ganga Nagar, Khamtarai, Post Office Raipur, Police Station- Khamtarai, District Raipur (Wrongly Mentioned As District Bilaspur) Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Khamtarai District Raipur (Wrongly Mentioned As District Bilaspur) Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant	: Ms. Laxmin Kashyap, Advocate.
For Non-applicant	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

02.04.2019

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 has been rejected by this Court on 09.01.2019 in MCRC No. 139/2019 considering the prima facie case against the applicant.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 661/2018 registered at Police Station – Khamtarai District Raipur (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
4. Case of the prosecution, in brief is that on 23.11.2018, 5.400 bulk litres of foreign liquor has been seized from the possession of the applicant.
5. Earlier looking to the facts and circumstance of the case, looking to the fact that 11 other criminal cases have been registered against the applicant, his first bail application was rejected.
6. Learned counsel for the applicant argued that the seizure witnesses have been examined in trial Court and they turned hostile.
7. Becoming hostile of the seizure witness is not a sole ground to enlarge the applicant on bail in second round of litigation. Moreover, in the case in hand, Investigating Officer is to be examined.
8. There is no change in circumstance.
9. Accordingly, looking to the entire materials available on record, the present bail application is rejected.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE