

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 17 of 2019

- Jaibun Nisha Wd/o Late Nazir Khan Aged About 45 Years R/o Rampur, Vidhyawasini Ward, Dhamtari, Tahsil And District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Dhamtari, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Non-applicant

For Applicant	: Shri R.K. Pali, Advocate
For Non-applicant	: Shri Ravi Kumar Bhagat, Dy. Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

07.01.2019

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. The applicant has been arrested in connection with crime No. 410/2018 registered at Police Station – City Kotwali, Dhamtari, District Dhamtari (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
3. Case of the prosecution, in brief is that on 06.09.2018, 6.640 bulk liters country liquor has been seized from the applicant.
4. Earlier, the first bail application of the applicant has been rejected by this Court on 06.10.2018 in MCRC No. 7206 of 2018 on the ground that 7 other criminal cases have been registered against applicant.
5. Counsel for the applicant submitted that applicant has been acquitted in all the other criminal cases, seizure witnesses have turned hostile, not supporting the prosecution case, applicant is in jail since long time, thus, she may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Having acquitted from the criminal cases, turning hostile of the seizure witnesses are not such circumstances which may entitle the applicant to be released on bail.
8. Looking to the above facts and circumstances of the case, the application is rejected.
9. Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE

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