

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 1090 of 2019

- Demanlal Sahu S/o Alakhram Sahu Aged About 28 Years R/o Adiwasi Colony, National Chowk, Kushalpur, Raipur Tahsil And District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kabirnagar, District Raipur Chhattisgarh

.....Non Applicant

For the Applicant : Shri Basant Kaiwartya, Advocate

For Non Applicant : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

27.02.2019

1. This is third 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 in MCRC No.7132 of 2018, after considering the prima facie case. His second bail application was rejected by this Court on 29.11.2018 in MCRC No.9250 of 2018, considering the prima facie case.
3. Counsel for the applicant submitted that applicant is in jail since 25/08/2018. Seizure witnesses have turned hostile. Thus, he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
5. In the case in hand the alleged quantity of the seized bulk liters is 119.500 bulk liters.
6. Turning hostile of seizure witnesses alone itself is not a sufficient ground to release on bail the accused.
7. There is no change of circumstances which may entitle the applicant to enlarge on bail in third round of litigation, thus third bail application is rejected.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
 Judge

Parul