

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1424 of 2019**

Chaitram Dahariya, S/o Santuram, aged about 35 years, R/o Raipura, Bhathapara, Police Station Baradwar, District Janjgir Champa (CG).

---- Applicant**Versus**

State of Chhattisgarh, through District Magistrate, Janjgir, District Janjgir Champa (CG).

---- Non-applicant

For Applicant	: Mr. C.P. Lahrey, Advocate
For Non-applicant	: Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

27.02.2019

1. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.264/2018 registered at Police Station Baradwar, District Janjgir Champa for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
2. The first bail application of the applicant was dismissed as withdrawn by this Court vide order dated 30.10.2018 passed in M.Cr.C. No.8314/2018.
3. Case of the prosecution, in brief, is that on 14.10.2018, 52.00 bulk liters hand made country liquor has been seized from the applicant.
4. Counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that seizure witnesses have been turned hostile before the trial Court hence the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. She submitted that 06 other criminal cases, out of which, 02 under CrPC, 01 under Gambling Act and 03 cases under IPC have already been registered against the applicant in police case diary.
6. Merely turning hostile of seizure witnesses is not a sufficient ground for release the applicant on bail.
7. Looking to the above facts and circumstances of the case and looking to this fact that 06 other criminal cases have already been registered against the applicant, this Court is not inclined to get the benefit of Section 439 of CrPC to the applicant. Consequently, the second bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE