

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4029 of 2019**

- Dinesh Kumar Sahu S/o Vikramaditya Sahu Aged About 38 Years R/o Village Kumhali, Tehsil Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Utai Durg, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant : Shri UKS Chandel, Advocate.

For Non-applicant : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****29.07.2019**

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 27.02.2019 in MCRC No. 725 of 2019 considering the merits of the case.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 438/2018 registered at Police Station – Utai, District – Durg (C.G.) for the offence punishable under Section 5 of the Explosive Substance Act, 1908 and Section 120-B of the Indian Penal Code.
4. Case of the prosecution, in brief is that on the information of the informant, Sub Inspector Satish Kumar Puria posted at police Station Utai seized from the godown of quarry situated at village Derjhal huge

quantity of explosive. Applicant was in exclusive possession of that explosive. Applicant did not have any licence to possess the same.

5. Learned counsel for the applicant argued that applicant is in jail since 20.11.2018, material witnesses have been examined who turned hostile in the trial Court, thus, he 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. In the case in hand some witnesses are to be examined. Mere becoming hostile of some of the witnesses during trial in the Trial Court does not change the circumstance which may entitle to get the regular bail in second round.

8. There is no change in the circumstances.

9. Accordingly, the present bail application is rejected.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE