

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4445 of 2019**

- Ajay Sahu @ Jageshwar S/o Shri Prakash Sahu Aged About 19 Years R/o Sudesh Nagar, Urla, Police Station Urla, Tahsil And District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Urla, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant : Shri B.L. Sahu, Advocate.

For Non-applicant : Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****30.07.2019**

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 Earlier, the first bail application of the applicant has been dismissed by this Court as withdrawn on 18.03.2019 in MCRC No. 1690 of 2019.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 06/2019 registered at Police Station – Urla, 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 06.01.2019, 7.200 bulk litres country made liquor have been seized from the applicant.
5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, he further submits that he is in jail since 06.01.2019 and seizure witnesses have turned hostile, therefore, he shall be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application and submits that 11 other criminal cases have been registered against the applicant, out of which 10 are under IPC and one is under Excise Act.
7. Mere turning hostile of some of the seizure witnesses during trial in the Trial Court itself is not a sole ground which may entitle the applicant to get the regular bail in second round. In the case in hand Investigating Officer is to be examined.
8. Looking to the above mentioned facts and circumstances of the case, looking to the fact that 11 other criminal cases have been registered against the applicant, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE