

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4626 of 2019**

1. Ganesh Singh Meravi S/o Jagdish Singh Meravi Aged About 22 Years
R/o Village Khalbahra, Police Station Jaithari District Anuppur (M. P.)
2. Manvendra Gautam S/o Late Shri Dipendra Gautam Aged About 53
Years R/o Purani Basti, Rawanbhatha, Supela, Police Station Supela
Bhilai, District Durg Chhattisgarh

---- Applicants**Versus**

- The State Of Chhattisgarh Through - The Police Station Salhewara,
District Rajnandgaon Chhattisgarh

----Non Applicant

For the Applicants : Mr. Kalyan Kalamkar, Advocate

For Non Applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****02.08.2019**

1. This is fourth 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 by order dated 01.11.2018 passed in MCRC No.8466 of 2018 considering prima facie case against applicants. Second bail application was dismissed as withdrawn by this Court by order dated 23.01.2019 passed in MCRC No.622 of 2019. Third bail application was rejected by this Court by order dated 28.01.2019 passed in

MCRC No.168 of 2019 considering prima facie case against them.

3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.41/2018 registered at Police Station- P.S. Salhewara, District- Rajnandgaon,(C.G.) for the offence punishable under Sections 34(2) of the C.G. Excise Act.
4. Case of the prosecution, in brief, is that on 20.09.2018, 945 bulk liters of foreign liquor has been seized from the possession of the applicants.
5. Counsel for the applicants submitted that in the case, in hand, witnesses of memorandum and seizure have been examined in the trial Court, they turned hostile and did not support the prosecution case. He drew my attention on the certified copies of the statement of P.W.1 Banshi Chandrike and P.W.2 Laxman Parte, which are the part of the bail petition. Applicants are in jail since 20.09.2018. There is a delay in trial, thus applicants may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no criminal antecedent against the applicants.
7. Mere turning hostile of memorandum and seizure witnesses is itself not a sufficient ground to enlarge the accused on bail in fourth round of litigation.
8. Looking to the above mentioned facts and circumstances of the case, looking to the impact of granting bail to the applicants on society, there is no change of circumstance which may entitle the applicants to be released on bail in fourth round of litigation. Consequently, the fourth bail application is rejected. However, trial Court be directed to expedite the trial and dispose of the case as soon as possible.

Sd/-

(Sharad Kumar Gupta)
Judge