

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4708 of 2019**

- Smt. Santoshi Gouraha W/o Suresh Gouraha Aged About 40 Years R/o A/6, Atal Awas, Khamtarai, Police Station- Sarkanda, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station- Sarkanda, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant : Shri Rajeev Kumar Dubey, Advocate.

For Non-applicant : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****07.08.2019**

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 Earlier, the first bail application of the applicant was dismissed as withdrawn on 24.04.2019 in MCRC No. 1908 of 2019 and the second bail application of the applicant has been rejected by this Court on 17.06.2019 in MCRC No. 3620 of 2019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. 230/2019 registered at Police Station – Sarkanda, District - Bilaspur (C.G.) for the offence punishable under Section 34 (2) of the C.G. Excise Act.
4. Case of the prosecution, in brief is that on 09.03.2019, Sub Inspector J.A. Khan posted at Sarkanda, seized 6 litre country made

liquor from the possession of the applicant.

5. Learned counsel for the applicant argued that applicant has been acquitted in three cases out of four. Two witnesses namely Bahorik and Bablu Sharma have been examined in the trial Court and they turned hostile. These facts are sufficient to say that the circumstances have been changed, thus she may be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application and submits that four other criminal cases under NDPS Act has been registered against the applicant.

7. Mere turning hostile of the witnesses itself is not a sufficient ground to enlarge the applicant on bail. In the case in hand Investigating Officer is to be examined. Mere acquittal in the cases does not affect the fact that cases have been registered against her or him as the case may be.

8. There is no change in the circumstance which may entitle the applicant to be released on bail in third round.

9. Accordingly, the present bail application is rejected.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE