

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5071 of 2019**

Budhram Manikpuri S/o Panchuram Manikpuri Aged About 26 Years
R/o Village Mopka, Thana Bhatapara (Gramin), Baloda Bazar, District
Baloda Bazar-Bhatapara Chhattisgarh., District : Balodabazar-
Bhathapara, Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Bhatapara
(Gramin), Baloda Bazar-Bhatapara Chhattisgarh., District :
Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Tanuj Patwardhan, Advocate
For the State	:	Shri Praveen Shrivastava, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

23/08/2019

1. This is the second bail application under Section 439 of the CrPC. Earlier first bail application was rejected by this Court on 08/04/2019 considering *prima facie* case against the applicant.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.123/2019 registered at Police Station Bhatapara (Gramin), District Balodabazar-Bhathapara (C.G.) for the offence punishable under Section 34 (2) of Excise Act.
3. Case of the prosecution, in brief is that on 19/03/2019, 14.370 bulk liters country made liquor has been seized from the applicant.
4. Counsel for the applicant submitted that seizure witnesses have been examined in the trial Court and they turned hostile.
5. On the other hand, counsel for the State submitted that six criminal cases, out of which, three cases under CrPC and three cases under IPC have already been registered against the applicant in police case diary.
6. Counsel for the applicant further submitted that applicant has been acquitted in five cases out of six.

7. Mere turning hostile of seizure witnesses and acquittal in five cases are not such circumstances on strength of which it can be said that circumstances have been changed on strength of which applicant may be enlarged on bail in second round of litigation. Moreover in the case in hand Investigating Officer is to be examined.
8. Looking to the above mentioned facts and circumstances of the case, this Court finds that there is no such change of circumstances on strength of which applicant may be released on bail in second round of litigation. Consequently, second bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde