

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6671 of 2019

- Chetan Das Manikpuri S/o Budharu Das Aged About 25 Years R/o Village - Ghogha Dasri, P.S. Khairagarh, Distt. Rajnandgaon Chhattisgarh.....(In Jail), District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Sakri Bilaspur, Civil And Revenue Distt. Bilaspur Chhattisgarh....(Non Applicant), District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant : Shri Keshav Dewangan, Advocate.

For Non-applicant : Shri Suyash Dhar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

22.10.2019

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 has been rejected by this Court on 07.03.2019 in MCRC No. 1565 of 2019 considering the prima facie case against the applicant and the second bail application of the applicant has been rejected by this Court on 17.06.2019 in MCRC No. 3534 of 2019 considering prima facie case against the applicant.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 32/2019 registered at Police Station – Sakri, District - Bilaspur (C.G.) for the offence punishable under Section 34 (2) and 59-A of the C.G. Excise Act.
4. Case of the prosecution, in brief is that on 07.02.2019 at about 5 am near the Khalsa Daba Raipur Raod Sakri seeing police vehicle two

persons get down from the vehicle bearing registration No. CG08AG2045 and started to run away. One person was caught hold by the police party who was the applicant. Another coaccused was successful in fleeing away. From the said vehicle 495 bulk liters of foreign liquor was seized.

5. Counsel for the applicant submits that both the seizure witnesses have been examined in the trial Court and they turned hostile, did not support the prosecution case. Applicant is in jail since 06.02.2019, thus he may be released on bail.

6. Counsel for the State submits that there is no criminal antecedent against the applicant.

7. Mere turning hostile of the seizure witnesses is itself not a sufficient ground to enlarge the applicant on bail, moreover in the case in hand Investigating Officer is to be examined.

8. This is true that detention period of the accused is a considerable factor for deciding his bail application, but this is also true that other circumstances are also important and material.

9. There is no material change in circumstances which may entitle the applicant to be released on bail in third round of litigation.

10. Accordingly, the present bail application is rejected. However, the trial Court is directed to expedite the trial and dispose off the case as early as possible.

11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE