

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 991 of 2016

Kamal Kranti Rao, S/o. Narendra Rao, aged about 30 years, R/o. Village Kuruskera, Police Station and Post Office Rajim, District-Gariyaband (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through, Station House Officer, Police Station Panduka, District Gariyaband (C.G.)

---- Respondent

For Applicant	:-	Mr. C.P. Lahre, Advocate
For Respondent/ State	:-	Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

18/02/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 137/2015 registered at Police Station- Panduka, District – Gariyaband (C.G.) for the offence punishable under Sections 34(2) of Chhattisgarh Excise Act.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to renew the prayer after examination of the seizure witness on 28.01.2016 in M.Cr.C. No. 269/2016.
3. Case of the prosecution, in brief, is that on 26.10.2015 a raid being conducted and from the possession of the applicant 5.04 illicit liquor was seized and he was arrested on 08.12.2015.
4. Counsel for the applicant submit that this is the second bail petition and in the first bail application liberty was given to renew the prayer

after examination of the seizure witness. He further referred to the statements of witnesses namely Lakhan Lal Patel, Ganesh Patel and Manoj Kumar and they have been examined and not supported the case of the prosecution. He further submits that the applicant is in jail since 08.12.2015, therefore, the applicant may be enlarged on bail.

5. State counsel opposes the prayer for grant of bail.
6. Perused the statement of the witnesses which are annexed with this bail petition. Prima-facie, it shows that the seizure witnesses have not supported the case of the prosecution. Taking into such fact, without any observation on merit for the purpose of bail, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge