

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2245 of 2016

Jitendra S/o Indrajit Aged About 22 Years Caste - Lodhi, Resident
Of Village - Chingli, Police Station - Jaalbandha, Tahsil -
Khairagarh, Civil & Revenue District - Rajnandgaon Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police
Station - Excise Circle, Khairagarh, District - Rajnandgaon
Chhattisgarh

---- Respondent

For applicant - Smt. Smriti Shrivastava, Advocate.
For Respondent/State –Miss. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

18/04/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 17/11/2015.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 23/2015 registered in Police Station Excise Circle, Khairagarh, District Rajnandgaon (C.G.) for offence punishable under section 34 (2) of Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that on 25/04/2015 when a raid was conducted by the police from the premises of the applicant 95.040 bulk litres of illicit liquor was seized.
4. Learned counsel for the applicant submits that after such dismissal of the earlier bail application seizure witnesses have been examined namely Jivan PW-1, Dinesh Upadhyay PW-2 and Shiv Kumar Verma PW-3 they have not supported the case of the prosecution. She submits that seizure having not been proved, applicant may be enlarged on bail.
5. Learned State counsel opposes the prayer for grant of bail,

however he is not able to dispute the fact that seizure witnesses have turned hostile.

6. Taking into fact that seizure witnesses have turned hostile, without any observation on the merits and further taking into fact that applicant is in jail since 8/10/2015, this court is inclined to release the applicant on bail.

7. Accordingly, the second bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE