

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4037 of 2016

Rohit Kumar, S/o. Khilawan Patel, Aged About 35 Years, R/o. House No. 135, Bastipara, Mahasamund, Thana / Tahsil & District Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Mahasamund, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08.08.2016

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. 496/2015 registered at Police Station- Mahasamund, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act. The first bail application was dismissed on merit on 27.01.2016 in M.Cr.C. No.210/2016.
2. As per the prosecution case, on 01.11.2015 one Bolero vehicle bearing No.C.G.07 MA 8043 was intercepted which was found to be carrying 171 bulk liters of illicit country made liquor. Subsequently, on investigation, it was found that the applicant had taken the vehicle on rent and the offence has been committed.
3. Learned counsel for the applicant would submit that the present bail application is filed on the ground of delay. He submits that statement of one of the witness was recorded on 26.02.2016 and

thereafter nothing has transpired in this case and from eight months the applicant is lodged in jail for delay in trial, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, she would submit that though the letter was sent but no communication was received so as to inform the reasons of the delay.
5. Perused the case diary and the documents. Taking into submission that the last evidence was recorded on 26.02.2016 and no evidence has been recorded thereafter and considering the delay in trial and the fact that the applicant is in jail since 02.12.2015, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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