

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5198 of 2016

Ravi Kumar Soni S/o Satpal Singh Soni, Aged About 20 Years, R/o Bagbahra, Thana - Bagbahra, Distt. Mahasamund (Chhattisgarh)
At Present R/o Nawagarh, Thana - Nawagarh, District Bemetara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Thana - Nawagarh, Revenue / Civil District Bemetara, Chhattisgarh

---- Respondent

For applicant - Shri Samir Singh, Advocate.
For Respondent/State – Shri Vinod Tekam, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

5/09/2016

1. This is second bail application under Section 439 of Cr.P.C. Earlier bail application was dismissed as withdrawn on 21/07/2016 with liberty to repeat the same after examination of the seizure witness.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.72/2016 registered in Police Station Nawagarh, Distt.-Bemetara (C.G.) for offence punishable under sections 34 (2) of C.G. Excise Act.
3. As per the prosecution case, on 25/04/2016 the applicant who was driving the vehicle was intercepted and from the vehicle 120.960 bulk liters of liquor was seized and applicant fled away from the scene.
4. Learned counsel for the applicant submits that two seizure witnesses namely Srijan and Kuleshwar Vaishnav have been examined, they have not identified the present applicant, therefore the applicant may be released on bail.
5. Learned State counsel opposes the prayer for grant of bail and would submit that as per statement of Mukesh Tamboli it was given on

rent to Bhuneshwar Jaiswal and he has given affidavit to the police that he has kept the applicant as a driver, therefore identity is not material at present to evaluate statement of the seizure witnesses.

6. Considering statement of other witnesses, at this stage it is not proper to evaluate entire evidence and draw presumption only on the ground of statement of the seizure witnesses. It is for the trial court to adjudicate the same after entire evidence is placed before the court. Therefore, this court is not inclined to entertain this second bail application.

7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE