

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5506 of 2016

Deena Nath, S/o. Dhanva @ Dhanush Dewangan, Aged About 27 Years,
R/o. Silhati, Police Station Sahahspur Lohara, District- Kabirdham,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Sahahspur Lohara,
District-Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ajay Ayachi, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/09/2016

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.79/2016 registered at Police Station- Sahahspur Lohara, District Kabirdham (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 27.900 bulk liters and he was arrested on 24.04.2016.
3. Learned counsel for the applicant submits that this is the second bail application, the earlier bail application was dismissed as withdrawn with liberty to renew the same after examination of the seizure witness. He further submits that the seizure witnesses namely Dadan Kumar Singh & Jitendra Singh have been examined and they have not supported the case of the

prosecution; therefore, considering the fact that the applicant has been falsely implicated in this case, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, she is not able to dispute the fact that the seizure witness have been examined and they have not supported the case of the prosecution.
5. Considering the facts & circumstances of the case and the fact that the seizure witness have not supported the case of the prosecution, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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