

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7473 of 2016

1. Golu @ Hemkunwar, S/o. Chaitram Satnami, Aged About 20 Years, R/o. Village- Semarkona, Police Station- Kunda, Tahsil - Pandariya, Civil & Revenue District – Kabirdham, Chhattisgarh
2. Lakhan, S/o. Konda, Aged About 36 Years, R/o. Village- Koylari, Police Station- Kunda, Tahsil- Pandariya, Civil & Revenue District Kabirdham, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through - Station House Officer, Excise Circle Pandariya, District – Kabirdham, Chhattisgarh.

---- Respondent

For Applicants : Mr. Dharmesh Shrivastava, Advocate

For Respondent : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/11/2016

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 have been arrested in connection with Crime No.51/2016 registered at Police Station- Excise Circle Pandariya, District Kabirdham (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that on 12.09.2016, on a raid being conducted, from the possession of the applicants, 126 bulk liters of country made liquor was seized.
3. Learned counsel for the applicants submits that this is the second bail application, the earlier bail application was dismissed as withdrawn on 18.10.2016 in MCRC No.6321 of 2016 with liberty to

repeat the same after examination of the seizure witnesses. He submits that now the seizure witnesses namely Desa Kumar and Satrugan have been examined and they have not supported the case of the prosecution, which shows that the applicants have been falsely implicated in this case; therefore, the applicants may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the seizure witnesses have been examined and they have not supported the case of the prosecution.
5. Perused the case diary and the documents. Considering the facts & circumstances of the case and the fact that the seizure witnesses have been examined and they have not supported the case of the prosecution, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants 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 their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge