

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8274 of 2016

1. Parmeshwar Dhruv S/o Anand Singh Dhruv Aged About 42 Years
R/o Village Machabhat, Police Station Bhatapara (Gramin), District
Balodabazar - Bhatapara Chhattisgarh

2. Rammurty Yadu S/o Tulsiram Yadu Aged About 35 Years R/o
Village Machabhat, Police Station Bhatapara (Gramin), District
Balodabazar - Bhatapara Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through : Station House Office, Police
Station Bhatapara (Gramin), District Balodabazar - Bhatapara
Chhattisgarh

---- Respondent

For applicants - Shri Anil Gulati, Advocate.
For Respondent/State – Ms. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/12/2016

1. This is second bail application under Section 439 of Cr.P.C.
2. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No.234/2016 registered in Police Station Bhatapara (Gramin), District Balodabazar-Bhatapara (C.G.) for offence punishable under section 34 (2) of C.G. Excise Act.
3. As per the prosecution case, on 21/08/2016 on raid being conducted, from the possession of the applicants 7.20 liters of country made liquor was seized. Thereby, the offence has been committed.
4. Learned counsel for the applicants submits that this is second bail application under Section 439 of Cr.P.C. The earlier bail application in respect of applicant No.1 Parmeshwar Dhruv was dismissed on 20/09/2016 vide M.Cr.C. No.5589/2016 and in respect of applicant No.2 Rammurty Yadu the bail application was dismissed on 4/10/2016

vide M.Cr.C. No.6097/2016 with liberty to repeat the same after examination of seizure witnesses. It is submitted that seizure witnesses namely Faguram and Satish Soni have been examined and they have not supported the case of the prosecution, therefore the applicants may be released on bail.

5. Learned State counsel do not dispute the fact that seizure witnesses namely Faguram and Satish Soni have been examined and they have not supported the case of the prosecution.

6. Taking into facts and circumstances of the case and also for the fact that seizure witnesses namely Faguram and Satish Soni have been examined and they have not supported the case of the prosecution, without further observation, this court is inclined to release the applicants on bail.

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

Sd/-

(Goutam Bhaduri)

JUDGE