

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1061 of 2016

1. Pramod Kurre S/o Omprakash Aged About 25 Years R/o Khokhranala, Police Station - Champa, Civil & Revenue District - Janjgir - Champa Chhattisgarh.
2. Sanjay Bhargav S/o Bhagwat Bhargav Aged About 30 Years R/o Village - Tikari, Police Station - Masturi, Civil & Revenue District - Bilaspur Chhattisgarh.
3. Lokesh Bhargav S/o Lakeshwar Bhargav Aged About 18 Years R/o Village - Tikari, Police Station - Masturi, Civil & Revenue District - Bilaspur Chhattisgarh. ... **Applicants**

Versus

4. State of Chhattisgarh through - Station House Officer, Out Post - Malhar, Police Station - Masturi, District Bilaspur Chhattisgarh ... **Respondent**

For the applicant	:	Mr. Dharmesh Shrivastava, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.02.2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 238 of 2015 registered at P.S. Masturi, Outpost Malhar, Distt. Bilaspur (C.G) for the offence punishable under Section 34(1)(a)(2) of the C.G. Excise Act.
2. The first bail application was dismissed on 16.11.2015.
3. The prosecution case, in brief, is that on 14.08.2015 while the police were on patrolling received secret information that illicit liquor is being transported in a Maruti Car and on that basis, the said vehicle was intercepted near a junction known as Bakarkuda Larkeni Tiraha and from the vehicle 135 bulk

litres of illicit liquor was seized.

4. Learned counsel for the applicants submits that both the seizure witnesses Kamlesh Singh and Guru Dutta Singh have been examined and they have not supported the case of prosecution. He further submits that the charge sheet has been filed and the applicants are in jail since 14.08.2015, therefore, they may be enlarged on bail.
5. Per contra, learned State Counsel opposes the bail application. However, he do not dispute the fact that both the seizure witnesses have turned hostile.
6. Taking into consideration the fact that both the seizure witnesses have turned hostile and they have not supported the case of prosecution and also looking to the period of detention of the applicants as they are stated to be in jail since 14.8.2015, I am inclined to release the applicants on bail. Accordingly, this application is allowed.
7. The applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE