

COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No. 1531 /2016

1. Vinod Yadav, S/o. Ramkrishna Yadav, Aged About 35 Years, R/o. Keshkal, Post Office & Police Station Keshkal, District Kondagaon, Chhattisgarh.
2. Goutam Sonwani, S/o. Datu Sonwani, Aged About 28 Years, R/o. Village Vishrampuri, Post Office & Police Station Vishrampuri, District Kondagaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Borayi, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.03.2016

1. This is the second bail application. The first bail application was dismissed as withdrawn on 05.01.2016 with liberty to repeat after examination of the seizure witness. Learned counsel for the applicant submits that now the seizure witness have been examined and therefore the second bail application.
2. The instant second bail application is filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.19/2015 registered at Police Station– Borayi, District Dhamtari (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
3. Case of the prosecution, in brief, is that 30.10.2015 on information received, the police raided the spot wherein from the possession of

the applicants, 341 liters of illicit liquor was seized; thereby, the offence has been committed.

4. Learned counsel for the applicants submits that the seizure witness Gopi Yadav and Roshan Singh have been examined in this case and both have not supported the case of the prosecution and therefore the applicants may be enlarged on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the seizure witness Gopi Yadav & Roshan Singh have been examined and they have not supported the case of the prosecution.
6. Perused the statement of both the seizure witness. Considering the fact that the seizure witness have not supported the case of the prosecution, without any observation on merit, as the entire evaluation of the evidence would be made at the time of trial, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge