

COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No. 1553 /2016

Yugal Kishore Kurre, S/o. Late Ratilal Kurre, (wrongly mentioned as Ratiram in the rejection order dated 09/12/2015 & as per charge sheet Ratilal), Aged About 34 Years, R/o. Village - Chandi, Post Office & Police Station - Abhanpur, Raipur, District – Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station - Abhanpur (wrongly mentioned as Abhpur in the rejection order), District – Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. Anant Bajpai, 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 The first bail application was dismissed as withdrawn on 14.01.2016 with liberty to repeat after examination of the seizure witness.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 applicant who has been arrested in connection with Crime No.293/2015 registered at Police Station– Abhanpur, District Raipur (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
3. Case of the prosecution, in brief, is that 27.10.2015 on information received that the applicant is in possession of the illicit liquor, on raid being made, 128.52 liters of illicit liquor was recovered from the possession of the applicant.

4. Learned counsel for the applicant submits that the seizure witness have been examined in this case and both have not supported the case of the prosecution and therefore the applicant 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 Tajindar Singh and Yogendra Verma 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, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge