

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2985 of 2016

Bhupendra Singh, S/o. Shri P.R. Thakur, Aged About 34 Years, R/o. Jailpara, Sarangarh, P.S. & Tahsil Sarangarh, District Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through P.S. Sarangarh, District Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Roop Naik, Advocate

For Respondent : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22.06.2016

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 has been arrested in connection with Crime No.73/2016 registered at Police Station Sarangarh, District Raigarh (C.G.) for the offence punishable under Section 34 (1) (A-2) and 59 of the Excise Act.
2. Case of the prosecution, in brief, is that from the possession of the applicant 81 bulk liters of country made liquor was recovered.
3. Learned counsel for the applicant would submit that both the seizure witness have been examined namely Ajay Kumar Ratre and Kishan Gupta who have not supported the case of the prosecution. Therefore, considering the fact that the applicant is in jail since 24.02.2016, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not able to dispute the fact that the seizure witness have not supported the case of the prosecution.
5. Perused the statement of the seizure witness and it appears that they have not supported the case of the prosecution. Taking into consideration the statement of the seizure witness and the fact that the applicant is in jail since 24.02.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge