

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3197 of 2016

Durgesh Dewangan, S/o. Madanlal Dewangan, Aged About 30 Years,
R/o. Pole Sai Para, Behind Afzal Kabari, Police Station Mohan Nagar,
Distt. (Revenue & Civil) Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Simga, Distt. (Revenue &
Civil) Baloda Bazar – Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sumit Jhanwar, Advocate

For Respondent : Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/06/2016

1. This is the first 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.39/2016 registered at Police Station Simga, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. As per the prosecution case, on 18.03.2016 from the possession of the applicant along-with other co-accused Yashwant Koshle, who happens to be the driver of the vehicle, total 91.8 bulk liters of illicit liquor was seized.
3. Learned counsel for the applicant would submit that the seizure witness in this case has been examined i.e. Yogesh Kumar & Mahesh Kumar and they have not supported the case of the prosecution, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that the seizure witness to the particular

seizure are Sameer & Sanu and they have not been examined and Yogesh & Mahesh were not the seizure witness to the seized articles.

5. Perused the case diary and the charge sheet, which shows that the seizure witness were Mahesh Kumar & Yogesh Kumar with respect to the seizure of the liquor. The statement of the seizure witness would show that they have not supported the case of the prosecution, in view of the same, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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