

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5383 of 2016

Raj Yadav, S/o. Pramod Yadav, Aged About 32 Years, R/o. Ward No. 5,
Ram Nagar, O.P. Chikhali, Police Station- Kotwali, District- Rajnandgaon,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Station Dongargarh, District -
Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant : Mr. S.S.Baghel, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.09.2016

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.345/2015 registered at Police Station- Dongargarh, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution case, on 21.06.2016 from the possession of the applicant, 135 liters of illegal liquor were seized.
3. Learned counsel for the applicant would submit that this is the second bail application, the earlier bail application was dismissed as withdrawn on 28.07.2016 with liberty to revive the same after examination of the seizure witnesses. He submits that the seizure witness Gangaram and Ashish Nishad have been examined 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, however, he do not dispute the fact that the seizure witness Gangaram and Ashish Nishad have not supported the case of the prosecution.
5. Perused the case diary and the documents. Considering the statement of the seizure witness Gangaram & Ashish Nishad wherein they have not supported the case of the prosecution, without any observation on merit, 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