

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5671 of 2016

Chhotu @ Ashutosh Bhandulkar, S/o. Late Shri Dharurao Bhandulkar,
Aged About 35 Years, R/o. Madam Chauk, Police Station Gobara
Nawapara, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through: Police Station Gobara Nawapara, Raipur,
District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. S.C.Verma, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/09/2016

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.17/2016 registered at Police Station- Gobara Nawapara, Raipur, District Raipur (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act. The first bail application was dismissed on 05.07.2016 in MCRC No. 3262 of 2016.
2. Case of the prosecution, in brief, is that on 17.01.2016 on information being received and on raid being made, from the possession of the applicant, 17.280 bulk liters was recovered.
3. Learned counsel for the applicant submits that the seizure witness in this case namely Rekhram Sahu & Abdul Rahman have been examined and they have not supported the case of the

prosecution, thereby, it will lead to show that the applicant has been falsely implicated, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the seizure witness have been examined and they have not supported the case of the prosecution.
5. Considering the facts & circumstances of the case and the fact that the seizure witness have not supported the case of the prosecution and further considering the fact that the co-accused has already been enlarged on bail by the co-ordinate Bench of this Court in MCRC No.947 of 2016 on 03.03.2016, I am 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