

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6036 of 2016**

Durpati Lal @ Baggad, S/o. Ude Ram Pardhi, Aged About 38 Years, R/o. Buchidih, Lenjwara (Lengwara), Police Station & Tahsil Berla, District Bemetara, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station Berla, District Bemetara, Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Amit Kumar Sahu, Advocate

For Respondent : Mr. Lav Sharma, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**03/10/2016**

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.105/2016 registered at Police Station- Berla, District Bemetara (C.G.) for the offence punishable under Section 34(2) of the Excise Act. The earlier bail application was dismissed as withdrawn on 03.08.2016 in MCRC No.4297 of 2016.
2. As per the prosecution case, on a raid being conducted, total 7.380 bulk liters illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant would submit that this is the second bail application, the earlier bail application was dismissed as withdrawn with liberty to repeat the same after examination of the seizure witness and now the seizure witness namely Lochan Sahu & Gaukaran Singh have been examined and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 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. Perused the case diary and the documents. Considering the facts and circumstances of the case and taking into fact that the seizure witness have been examined and they have not supported the case of the prosecution, 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