

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6058 of 2016

- Uttam Sahu S/o Bhonduram Sahu Aged About 34 Years R/o Bandha Bazar, Tahsil & Police Station- Ambagarh Chowki, Civil & Revenue District- Rajnandgaon, Chhattisgarh. ---
Petitioner

Versus

- State of Chhattisgarh through Police Station- Ambagarh Chowki, District- Rajnandgaon, Chhattisgarh.
--- **Respondent**

For the applicant	:	Mr. Rakesh Thakur, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.10.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 131 of 2016 registered at P.S. Ambagarh Chowki, Distt. Rajnandgaon (C.G) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. As per the prosecution case, on a raid being conducted by the Police on 08.07.2016, from the possession of the applicant 7.200 bulk litres of illicit liquor was recovered.
3. Learned counsel for the applicant would submit that initially the bail application was dismissed on 17.08.2016 with liberty to repeat the prayer after examination of the seizure witnesses and presently the seizure witnesses Arun Yadav and Vinod Tiwari have been examined and they have not supported the case of prosecution.

4. Learned State Counsel do not dispute the fact that the seizure witnesses have turned hostile.
5. Considering the fact that the seizure witnesses Arun Yadav and Vinod Tiwari have not supported the case of prosecution, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**