

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6060 of 2016

- Chandrakumar S/o Chhannu Sahu Aged About 30 Years R/o Village - Salhekala, Police Station & Tahsil - Chhuikhadan, District Rajnandgaon Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer Police Station Chhuikhadan, District Rajnandgaon Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Abhishek Sharma, 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. 171 of 2016 registered at P.S. Chhuikhadan, 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 10.07.2016, from the possession of the applicant 13.860 bulk litres of illicit liquor was recovered.
3. Learned counsel for the applicant would submit that this is second bail application and the earlier bail application was dismissed as withdrawn on 29.08.2016 with the liberty to repeat the same after examination of the seizure witnesses. He submits that the seizure witnesses Gaya Das and Bhup Singh have been examined and they have not supported the case of prosecution.

4. Per contra, learned State Counsel is not able to dispute the fact that the seizure witnesses have not supported the case of prosecution.
5. Considering the fact that seizure witnesses have not supported the case of prosecution and have turned hostile, without any further observation on merits of the case, 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