

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6087 of 2016

Purushottam, S/o. Janak Chandravanshi, aged about 30 years, R/o. Village- Rabeli, Police Station – Pipariya, Kawardha, Civil and Revenue District – Kabirdham (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : District Magistrate/Station House Officer, Police Station -Pipariya, District – Kabirdham (C.G.)

---- Respondent

For Applicant	:	Mr. Dharmesh Shrivastava, Advocate
For Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

05/10/2016

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. 157/2016, registered at Police Station- Pipariya, District – Kabirdham (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act. The first bail application was dismissed as withdrawn with liberty to file a fresh after the seizure witness is examined.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 51.640 bulk liters and he was arrested on 17.07.2016.
3. Learned counsel for the applicant submits that the first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the seizure witness. It is further submitted that seizure witness namely Tulsi Sahu and Damendra Shah have been examined

and they have not supported the case of the prosecution, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, she do not dispute the fact that seizure witnesses have not supported the case of the prosecution.
5. Considering the fact that seizure witnesses in this case have been examined and they have not supported the case of the prosecution, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge