

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6143 of 2016

Surendra Kumar Dugga, S/o. Late Nathuram Dugga, Aged About 40 Years, R/o. Village Sidesar, Tahsil & Police Station Kanker, Civil & Revenue District North Bastar Kanker, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Police Station Kanker, District North Bastar Kanker, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K.Tulsyan, 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.84/2016 registered at Police Station- Kanker, District North Bastar Kanker (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act. The earlier bail application was dismissed as withdrawn on 22.08.2016 in MCRC No.4483 of 2016.
2. As per the prosecution case, on 27.03.2016 from the possession of the applicant, total 112.3 bulk liters of illicit liquor was seized; thereby the offence has been committed.
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for the applicant would submit that this is the second bail application, the earlier bail application was dismissed as withdrawn with liberty to repeat after examination of the seizure witness. It is contended that the seizure witness namely Hemlal Markam & Lokesh Kunjam have been examined and they have not supported the case of the prosecution, which would show that the

applicant has been falsely implicated; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, she do not 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 documents. Considering the fact that the seizure witness namely Hemlal Markam & Lokesh Kunjam have been examined and they have not supported the case of the prosecution, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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