

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6438 of 2016

Dashrath Chandrakar S/o Champalal Chandrakar Aged About 26 Years Occupation - Agriculture Labour, R/o - Village- Bharregaon, Police Station- Lalbagh Tahsil & District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Lalbagh, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For applicant - Shri Shivendu Pandya, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

19/10/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 24/08/2016 vide M.Cr.C. No.4896/2016 with liberty to repeat the same after examination of the seizure witnesses.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.175/2016 registered in Police Station Lalbagh, District Rajnandgaon (C.G.) for offence punishable under section 34 (2) of Excise Act.
3. As per the prosecution case, on 17/07/2016 on a raid being conducted from the possession of the applicant 5.40 bulk liters of liquor was seized.
4. Learned counsel for the applicant submits that seizure witnesses namely Khomlal and Tukaj Ram Sahu have been examined and they have not supported the case of the prosecution.
5. Learned State counsel do not dispute the fact that seizure

witnesses namely Khomlal and Tukaj Ram Sahu have been examined and they have not supported the case of the prosecution.

6. Considering the facts and circumstances of the case and also for the fact that seizure witnesses namely Khomlal and Tukaj Ram Sahu have been examined and they have not supported the case of the prosecution, this court is inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE