

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6474 of 2016

Deena @ Dinesh Madhwani, S/o. Shri Rajkumar Madhwani, aged about 23 years, R/o. Ward No.6, Tilda Nevra, District – Raipur (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : the Station House Officer, Police Station – Tilda Nevra, District – Raipur (C.G.)

---- Respondent

For Applicant : Mr. Syed Imtiaz Ali, Advocate
For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

19/10/2016

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. 173/2016, registered at Police Station- Tilda Nevra, District – Raipur (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 The first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the seizure witness vide order dated 03.08.2016.
2. The prosecution alleges that on a raid being conducted, the applicant along with other co-accused was found to be in possession of illicit liquor measuring about 7.020 and 9 bulk liters respectively and he was arrested on 19.06.2016.
3. Learned counsel for the applicant submits that this is second bail application and the first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the seizure

witnesses and now the seizure witnesses namely Ranjit Sen and Santosh Sahu have been examined and they have not supported the case of the prosecution; therefore, the counsel prays that the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that seizure witnesses in this case have not supported the case of the prosecution.
5. Considering the facts and circumstances of the case and the fact that seizure witness 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