

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6548 of 2016

Shailesh Kumar S/o Nohar Singh Sahare, Aged About 27 Years R/o Village Chiladabri, Thana Ambagarh Chauki, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Thana Ambagarh Chauki, Revenue / Civil District Rajnandgaon Chhattisgarh

---- Respondent

For applicant - Shri Samir Singh, Advocate.
For Respondent/State – Shri Ashutosh Pandey, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

24/10/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 16/09/2016 vide M.Cr.C. No.5515/2016 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.157/2016 registered in Police Station Ambagarh Dhauki, Distt. Rajnandgaon (C.G.) for offence punishable under section 34 (2) of Excise Act.
3. As per the prosecution case, on 13/08/2016 on a information received that the applicant is carrying illegal liquor, on raid being made from the possession of the applicant 73.560 bulk liters of liquor was seized.
4. Learned counsel for the applicant submits that seizure witnesses namely Okesh Sahu and Rakesh Sahu have been examined and they have not supported the case of the prosecution, therefore the applicant may be released on bail.

5. Learned State counsel is not able to dispute the fact that seizure witnesses namely Okesh Sahu and Rakesh 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 Okesh Sahu and Rakesh 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