

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6680 of 2016

Surendra Kumar S/o Chhannu Lal Nai Aged About 47 Years R/o
Village Chircharikala, Police Station Gaindatola, District
Rajnandgaon Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For applicant - Shri Abhishek Sharma, Advocate.
For Respondent/State – Shri U.K.S. Chandel, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/10/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 17/08/2016 vide M.Cr.C. No.4635/2016 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.35/2016 registered in Police Station Gaindatola, District Rajnandgaon (C.G.) for offence punishable under section 34 (2) of Excise Act.
3. As per the prosecution case, on 15/07/2016 on a information received that the applicant is carrying illegal liquor, on raid being made from the possession of the applicant 28.080 bulk liters of liquor was seized.
4. Learned counsel for the applicant submits that seizure witnesses namely Chabilal and Rahul Kumar Komre 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 Chabilal and Rahul Kumar Komre 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 Chabilal and Rahul Kumar Komre 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/remand court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE