

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6600 of 2016

Chandan Singh, S/o. Virendra Singh, aged about 26 years, R/o. Present R/o. House No.1193, Pandritarai Mukherji, Gandhi Nagar, Post Office – Raipur, Police Station – Pandri, Raipur, Tahsil and District – Raipur (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Station House Officer, Police Station – Tumgaon, District – Mahasamund (C.G.)

----Respondent

M.CR.C. No. 6622 of 2016

1. Sunil Singh, S/o. Gopal Singh, aged about 32 years,
2. Vashist Singh, S/o. Arjun Singh, aged about 22 years,
Both R/o. Village-Kouhakuda, Post Office & Police Station – Pithuora,
District – Mahasamund (C.G.)

---- Applicants

Versus

The State of Chhattisgarh, Through : Station House Officer, Police Station – Tumgaon, District – Mahasamund (C.G.)

---- Respondent

For Applicants	:	Mr. Shivendu Pandya, Advocate
For Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

25/10/2016

1. These are the second bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 93/2016, registered at Police Station- Tumgaon, District – Mahasamund (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act. The first bail applications were dismissed vide order dated 29.06.2016.
2. As per the prosecution case, on an information received on 22.05.2016 that liquor was being transported, the offending vehicle bearing No.CG-04-HB-7193 was intercepted and from the possession of the applicants 126 liters of liquor was seized.

3. Learned counsel for the applicants submits that these are the second bail applications and the first bail applications were dismissed on merit on 29.06.2016 and submits that seizure witness namely Posan Lal and Amar Das have been examined and they have not supported the case of the prosecution, therefore, the counsel prays that the applicants may be enlarged 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 been examined and they have not supported the case of the prosecution.
5. Considering the facts and circumstances of the case and the fact that seizure witnesses in this case have been examined and they have not supported the case of the prosecution and the applicants are in jail since 22.05.2016, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge