

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7056 of 2016

Karu Singh, S/o. Jagnarayan Singh, age about 30 years, Caste- Rajput at present resident of Village-Chirko, Thana – Patewa, Tahsil/District – Mahasamund (C.G.). Permanent resident village Var Police Station – Madanpur, District – Aurangabad (Bihar).

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate
For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

16/11/2016

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.129/2016, registered at Police Station- Patewa, District – Mahasamund (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 The first bail application was dismissed as withdrawn with liberty to file afresh after the seizure witnesses are examined in M.Cr.C. No.5253/2016 vide order dated 07.09.2016.
2. As per prosecution case, on 07.08.2016 on a raid being conducted, from the possession of the applicant 183 liters of illicit liquor was seized. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that this is the second bail application, the first bail application was dismissed as withdrawn with liberty to file afresh after examination of the seizure witnesses. He

further submits that seizure witnesses in this case namely Jitendra Kumar Sahu and Pitambar Devdas 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 have been examined and they have not supported the case of the prosecution.
5. Considering the facts and circumstances of the case and further considering the fact that seizure witnesses 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