

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7329 of 2016

Ashok, S/o. Amardas, aged about 45 year, R/o. Village-Chhatwan, Chowki – Baya, Police Station – Rajadevri, Tahsil – Kasdol, District – Balodabazar-Bhatapara (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Police Station – Rajadevri, District – Balodabazar-Bhatapara (C.G.)

---- Respondent

For Applicant	:	Mr. Sanjeev Das, Advocate
For Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

23/11/2016

1. This is the third 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.33/2016, registered at Police Station- Rajadevri, District – Balodabazar-Bhatapara (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 The first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the seizure witnesses vide order dated 14.09.2016 and the second bail application was dismissed for want of prosecution on 02.11.2016.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 9 liters and he was arrested on 24.07.2016.
3. Learned counsel for the applicant submits that this is the third bail application. The first bail application was dismissed as withdrawn with

liberty to repeat the same after examination of the seizure witnesses thereafter, the second bail application was dismissed for want of prosecution. It is further submitted that seizure witnesses in this case namely Manharan Yadav and Maniram have been examined and they have not supported the case of the prosecution, therefore, the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, she 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 have been examined and they have not supported the case of the prosecution, this Court is inclined to release the applicant on 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