

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7333 of 2016

Rahul Sayankar, S/o. Ashok Sayankar, Aged About 26 Years, R/o. Village Vella (Vedha), P.S. & Tahsil Hinganghat, District Vardha, Maharashtra.

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Shailendra Dubey, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23.11.2016

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.63/2016 registered at Police Station Ambagarh Chowki, Distt. Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. As per the prosecution case, a Bolero vehicle bearing No.MH-32 Q 2402 was intercepted and in the vehicle total 993.06 bulk liters liquor were seized and at the relevant time the applicant was driving the vehicle who fled away from the scene and subsequently after his arrest, he was identified to be driver of the vehicle.
3. Learned counsel for the applicant submits that this is the second bail application, the first bail application was dismissed on 08.09.2016 in MCRC No.5260 of 2016 and thereafter the seizure witnesses namely Avinash Kumar & Lalit Baghel have been examined and they have not supported the case of the prosecution,

which would show that the applicant has been falsely implicated, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the seizure witnesses have been examined and they have not supported the case of the prosecution.
5. Perused the case diary and the documents. Considering the facts & circumstances of the case and the fact that the seizure witnesses have been examined and they have not supported the case of the prosecution, I am 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.

Sd/-
(Goutam Bhaduri)
Judge