

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7641 of 2016

Janak Ram S/o Thukeli Aged About 55 Years R/o Village Khaparadih,
Police Station Suhela, District Balodabazar-Bhatapara,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Suhela, District Balodabazar- Bhatapara, Chhattisgarh.

---- Respondent

For applicant - Shri Yogesh Chandra, Advocate.
For Respondent/State – Shri Wasim Miyan, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

30/11/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 29/08/2016 vide M.Cr.C. No.4942/2016 with liberty to repeat the same after examination of the seizure witness.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.95/2016 registered in Police Station Suhela, District Balodabazar-Bhatapara (C.G.) for offence punishable under section 34 (2) of Excise Act.
3. As per the prosecution case, on 24/07/2016 on a raid being made from the possession of the applicant 13.5 bulk liters of liquor was seized.
4. Learned counsel for the applicant submits that seizure witnesses namely Ram Prasad Sahu and Chandraprakash 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 do not dispute the fact that seizure

witnesses namely Ram Prasad Sahu and Chandraprakash 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 Ram Prasad Sahu and Chandraprakash 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 for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE