

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7696 of 2016

Gangaram S/o Gajeram Pardhi Aged About 55 Years R/o Village
Bahera (Kusmi), Police Station Bemetara, District- Bemetara,
Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh Through: The Station House Officer,
Police Station Bemetara, District- Bemetara, Chhattisgarh

---- Respondent

For applicant - Shri R.K. Pali, Advocate.
For Respondent/State – Shri Wasim Miyan, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

6/12/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 2/11/2016 vide M.Cr.C. No.6695/2016 with liberty to repeat the same after examination of the seizure witness.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.482/2016 registered in Police Station Bemetara, District Bemetara (C.G.) for offence punishable under section 34 (2) of Excise Act.
3. As per the prosecution case, on 6/09/2016 on a raid being made from the possession of the applicant 7.200 bulk liters of liquor was seized.
4. Learned counsel for the applicant submits that seizure witnesses namely Kishore Kumar Sahu and Raja 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 Kishore Kumar Sahu and Raja 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 namely Kishore Kumar Sahu and Raja 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