

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7913 of 2016

Aghnu Patel S/o Tetkuram, Aged About 42 Years R/o Village
Salhekapa, Police Station & Tahsil Takhatpur, District Bilaspur,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Takhatpur, District
Bilaspur, Chhattisgarh.

---- Respondent

For applicant - Shri Ravindra Sharma, Advocate.
For Respondent/State – Ms. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

16/12/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 7/12/2015 vide M.Cr.C. No.6347 of 2015.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.247/2015 registered in Police Station Takhatpur, Dist. Bilaspur (CG) for offence punishable under sections 34(2)(a) and 59(a) of Excise Act.
3. As per the prosecution case, the applicant was found to be in possession of illicit liquor measuring about 10 bulk liters and he was arrested on 3/09/2015.
4. Learned counsel for the applicant submits that no witnesses are turning up in this case and the applicant is in jail since 3/09/2015, therefore the applicant may be released on bail.
5. Learned State counsel was directed to verify the status of this case. Communication has been shown for perusal which shows that only one witness is examined on 8/03/2016 and rest of the summons are issued and the case is fixed for 16/12/2016 and the applicant also filed affidavit of

Jageshwar Patel wherein it is stated that in earlier Criminal Case No.134/2014 the applicant has been acquitted on 30/06/2014 and in Criminal Case No.138/2015 he has been acquitted on 28/07/2015.

6. Considering the delay in trial and nature of allegation, 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