

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7938 of 2016

Smt. Sangeeta Haldhar, W/o. Ramjeet Haldhar, Aged About 28 Years, R/o. Village Tool Plaza, Kharun River, Near Water Tank Kumhari, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Kumhari, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Amit Kumar, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/12/2016

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.89/2016 registered at Police Station- Kumhari, District Durg (C.G.) for the offence punishable under Section 34(2), 59(A) of the Chhattisgarh Excise Act. The earlier bail application was dismissed as withdrawn on 20.07.2016 in MCRC No.3852 of 2016 with liberty to file afresh after seizure witnesses are examined.
2. As per the prosecution case, on 23.03.2016, from the possession of the applicant, total 138 bulk liters of illicit liquor was seized; thereby the offence is committed.
3. Learned counsel for the applicant submits that this is the second bail application, the earlier bail application was dismissed as withdrawn with liberty to file afresh after examination of the seizure witness. He further submits that the seizure witnesses namely

Omprakash & Rahul Jangde have been examined and they have not supported the case of the prosecution, which shows that the applicant has been falsely implicated, therefore, she 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 her appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge