

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8394 of 2016

1. Sudha Ram Chelak, son of Pancham, by Caste- Satnami, aged about 55 years,
2. Tuman Chelak, son of Sudha Chelak, aged about 22 years,
Both are R/o. Khilora, Police Station – Bhatapara (Gramin), Civil and Revenue District Baloda Bazar/Bhatapara (C.G.).

---- Applicants

Versus

The State of Chhattisgarh, Through : Station House Officer, Police Station – Bhatapara (Gramin), in the Revenue and Civil District Baloda Bazar/Bhatapara (C.G.).

---- Respondent

For Applicants	:	Mr. Janak Ram Verma, Advocate
For Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/01/2017

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.157/2016, registered at Police Station- Bhatapara (Gramin), District – Baloda Bazar/Bhatapara (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act. The first bail application was dismissed as withdrawn vide order dated 22.08.2016 with liberty to repeat the same after examination of the seizure witnesses and the second bail application was dismissed for want of prosecution vide order dated 09.12.2016.
2. As per prosecution case on 16.05.2016 on a raid being conducted from the possession of the applicants, 90 liters liquor was seized from the vehicle. Thereby the offence has been committed.

3. Learned counsel for the applicants submits that this is repeat bail application, the first bail application was dismissed as withdrawn on 22.08.2016 with liberty to repeat the same after examination of the seizure witnesses, subsequently, the second bail was dismissed for want of prosecution on 09.12.2016. It is further submitted that seizure witnesses in this case namely Samaru and Ramkrishna have been examined and they have not supported the case of the prosecution. Therefore, the counsel prays that the applicant may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that seizure witnesses in this case have been examined and they have not supported the case of the prosecution.
5. Considering the facts and circumstances of this case and further taking into the fact that seizure witnesses in this case have been examined and they have not supported the case of the prosecution and the applicants are in jail since 21.07.2016, this Court is inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge