

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8282 of 2016

Goverdhan Yadav, S/o. Late Jhadiram Yadav, aged about 26 years, R/o. Baba Mohtara, Police Station, Tahsil and District – Bemetara (C.G.).

---- Applicant

Versus

The State of Chhattisgarh, Through : Station House Officer, Police Station – Bemetara, District Bemetara (C.G.).

---- Respondent

For Applicant	:	Mr. U.K.S. Chandel, Advocate
For Respondent	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

16/01/2017

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.390/2016, registered at Police Station- Bemetara, District – Bemetara (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 The first bail application was dismissed as withdrawn vide order dated 05.09.2016 with liberty to repeat the same after examination of the seizure witnesses.
2. As per prosecution case on 19.07.2016 on a raid being conducted from the possession of the applicant, 12.600 liters liquor was seized. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that this is repeat bail application, the first bail application was dismissed as withdrawn on 05.09.2016 with liberty to repeat the same after examination of the seizure witnesses. It is further submitted that seizure witnesses in this case namely Dinesh and Mohan Sahu 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 applicant is in jail since 19.07.2016, this Court is 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 his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge