

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 305 of 2017

Aashish Chouhan, S/o. Heera Chouhan, aged about 25 years, R/o. Village-Bijabhat, Police Station, Tahsil & District – Bemetara (C.G.)

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Mr. V.A. Goverdhan, Advocate
For Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

30/01/2017

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. 704/2016, 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 The first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the seizure witness vide order dated 19.12.2016 in M.Cr.C. No.8099/2016.
2. As per prosecution, on a raid being made on 27.11.2016, from the present applicant 56.77 bulk liters illicit liquor was seized from the possession of the applicant. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that this is second bail application and the first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the seizure witnesses and now the seizure witnesses namely Lobhan and Ankit

Dutta have been examined and they have not supported the case of the prosecution, therefore, the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that seizure witnesses in this case have been examined and they have not supported the case of the prosecution.
5. Taking into consideration the totality of the circumstances and further considering the fact that seizure witnesses in this case have been examined and they have not supported the case of the prosecution, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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