

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 496 of 2017

Shobhuram Sahu S/o Alatu Sahu, Aged About 46 Years R/o Village
Sonpari (Tarwa), Police Station Mandir Hasoud, Tahsil District
(Revenue And Civil) Raipur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Mandir Hasoud, District Raipur Chhattisgarh

---- Respondent

For applicant - Shri N. Naha Roy, Advocate.
For Respondent/State –Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

6/02/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 16/09/2016 vide M.Cr.C. No.5464/2016 with liberty to repeat the same after examination of the seizure witness.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.189/2016 registered in Police Station Mandir Hasoud, Distt: Raipur (C.G.) for offence punishable under section 34 (2) of Chhattisgarh Excise Act.
3. As per the prosecution case, on 20/07/2016 on a raid being made from the possession of the applicant 5.40 bulk liters of liquor was seized.
4. Learned counsel for the applicant submits that seizure witnesses namely Rajendra Kumar Mahilang and Channulal Mahilang have been examined and they have not supported the case of the prosecution, therefore the applicant may be released on bail.
5. Learned State counsel do not dispute the fact that seizure witnesses namely Rajendra Kumar Mahilang and Channulal Mahilang

have been examined and they have not supported the case of the prosecution.

6. Considering the facts and circumstances of the case and also for the fact that seizure witnesses namely Rajendra Kumar Mahilang and Channulal Mahilang have been examined and they have not supported the case of the prosecution, this court is inclined to release the applicant on bail.

7. Accordingly, the second 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