

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 570 of 2017

Tekram Sahu, S/o. Shri Asdhar Ram Sahu, aged about 43 years, R/o. Village- Badnara, Tah. - Nawagarh, P.S. - Nandghat, District – Bemetara, Civil and Revenue District – Bemetara (C.G.)

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Mr. M.K. Sinha, Advocate
For Respondent	:	Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

06/02/2017

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. 276/2016, registered at Police Station- Nandghat, District – Bemetara (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act. The first bail application was dismissed on merit vide order dated 22.08.2016 in M.Cr.C. No.4725/2016.
2. As per the prosecution case, on 16.07.2016 on a raid being made from the possession of the applicant total 9 bulk liters of illegal country made liquor was seized.
3. Learned counsel for the applicant would submit that in this case the seizure witnesses namely Bhupendra and Punendra have been examined and they have not supported the case of the prosecution. He further submits that out of 16 cases, which was stated to be

registered against the applicant, no heinous offence has been registered and only cases under Section 107, 116 of Cr.P.C. and 36 of Excise Act are registered, wherein no conviction has been made, therefore, the applicant, who is in jail since 16.07.2016 may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents as also the statement of seizure witnesses. Perusal of the statement would show that seizure witnesses in this case have not supported the case of the prosecution. Further taking into the fact that 16 cases appears to be registered against the applicant are under Excise Act and preventive sections of Cr.P.C. and further considering the fact that seizure witnesses in this case have not supported the case of the prosecution and the applicant is in jail since 16.07.2016, 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