

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 863 of 2017

- Vishal Tyagi S/o Late Shri Lokesh Tyagi Aged About 21 Years R/o Mahatma Gandhi Nagar, Camp No.2, Police Station Chhavni, Bhilai, Tahsil & District Durg, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Kharora, District Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Jitendra Gupta, Advocate

For Respondent/State : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06-03-2017

1. This is third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 14-8-2015 in connection with Crime No. 392 of 2014, registered at Police Station Kharora, District Raipur (CG) for the offence punishable under Sections 34 (2) of the Chhattisgarh Excise Act. Earlier first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the seizure witnesses on 12-7-2016 and second bail application was disposed of on 5-10-2016
2. As per prosecution case, 31-10-2014 on information being received a raid was conducted by the police party, the applicant was caught and from the possession of the present applicant illicit liquor measuring about 259.00 liters was seized and subsequently he was arrested on 14-8-2015 and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that since the seizure witnesses namely Sandeep Yadav and Akhilesh Yadav are not traceable, warrant could not be served and the applicant is in jail since 14-

8-2015 and despite the direction given vide order dated 5-10-2016 passed by this Court in M.Cr.C.No.6175 of 2016, the trial is not concluded within three months, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the earlier order dated 5-10-2016 passed by this Court in M.Cr.C.No.6175 of 2016 wherein direction was given by this Court to conclude the trial within a period of three months.
7. Taking into consideration the facts and circumstances of the case, further considering the fact that trial is not concluded and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 14-8-2016, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju