

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 817 of 2017

Sukhu Satnami, S/o. Mayaram Satnami, Aged About 50 Years, R/o. Village- Darra, Post- Patewa, Police Station- Ghumka, Tahsil & District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- The Station House Officer, Police Station- Ghumka, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. S.S.Baghel, Advocate

For Respondent : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07.03.2017

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.94/2016 registered at Police Station- Ghumka, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that on 14.08.2016 on a raid being conducted, from the possession of the present applicant, total 14.760 bulk liters of illicit liquor was seized.
3. Learned counsel for the applicant submits that this is the second bail application, the earlier bail application was dismissed as withdrawn on 28.09.2016 with liberty to repeat the same after examination of the seizure witness. He further submits now the seizure witnesses namely Narendra Kumar Chaturvedi & Bhagwat

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

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the witnesses. Considering the quantity of the liquor seized and taking into the detention of the applicant who is in jail since 14.08.2016, without any observation on merit, I am 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.

Sd/-
(Goutam Bhaduri)
Judge