

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 993 of 2017

Kishun Lohar, S/o. Heerasingh Lohar, Aged About 35 Years, Occupation- Labour, R/o. Village Umarda, Police Station- & Tahsil & District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station- Mahasamund, District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	:	Mr.Vikash Pradhan, Advocate
For Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

01/03/2017

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.614/2016, registered at Police Station- Mahasamund, District – Mahasamund (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 The first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the seizure witnesses vide order dated 02.01.2017.
2. Case of the prosecution in brief is that on 30.11.2016 on a raid being conducted, from the possession of the applicant 27 liters of liquor was seized. Thereby the offence is committed.
3. Learned counsel for the applicant submits that this is second bail application. The first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the seizure witnesses and the seizure witnesses namely Dharmendra Sahu and Shivcharan

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, she do not dispute the fact that seizure witnesses have been examined and they have not supported the case of the prosecution.
5. Considering the facts and circumstances of the case and further considering the fact that seizure witnesses have been examined and they have not supported the case of the prosecution, 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