

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1133 of 2017

1. Dinesh, S/o. Tularam Joshi, Aged About 35 Years, Caste- Satnami, R/o. Kamal Colony, Baloda Bazar, District Baloda Bazar, Bhatapara, Chhattisgarh.
2. Jitendra, S/o. Govind Dhritlahre, Aged About 32 Years, Caste- Satnami, R/o. Dasharma, Police Station -Baloda Bazar, District -Baloda Bazar -Bhatapara, Chhattisgarh. .

---- Applicants

Versus

State Of Chhattisgarh, Through : Station House Office, Police Station -Palari, District Baloda Bazar, Chhattisgarh. .

---- Respondent

For Applicants : Mr. A.S. Rajput, Advocate
For Respondent : Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

06/03/2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.443/2016, registered at Police Station- Palari, District – Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act. The first bail application was dismissed vide order dated 06.01.2017.
2. Case of the prosecution in brief is that on 29.10.2016 on a raid being conducted, from the possession of the applicants from the vehicle bearing No.CG-04-JK-5759, 135 liters of liquor was seized. Thereby the offence is committed.
3. Learned counsel for the applicants submits that this is second bail application. The first bail application of the applicant No.2 was

dismissed as not pressed and the first bail application of the applicant No.1 is dismissed on merits vide order dated 06.01.2017, thereafter, the seizure witnesses Rajkumar and Neelkanth have been examined and they have not supported the case of the prosecution; therefore, the applicants 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, without any further observation on merits, this Court is inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge