

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1174 of 2017

- Rohit Dhurve s/o. Jethu ram aged about 25 years, r/o. Mungelidih, District Kabirdham (CG).

---- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Kawardha, District Kabirdham (CG).

---- **Respondent**

For Applicant : Mr. Ajay Ayachi, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06-03-2017

1. This is 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 on 19-8-2016 in connection with Crime No. 283 of 2016, registered at Police Station Kawardha, District Kabirdham (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 Earlier first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the seizure witnesses on 28-9-2016
2. As per prosecution case, 19-8-2016 on information being received a raid was conducted by the police party and from the possession of the present applicant illicit liquor measuring about 10.800 liters was seized and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that now seizure witnesses namely Baliram Gandharv and Yashwant have been examined and they have not supported the case of prosecution. He would further submit that the applicant has been falsely implicated in the case, he is in jail since 19-8-2016, charge-sheet has been filed in this case and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail., however, he is not able to dispute the fact that the seizure witnesses have been examined and they have not supported the case of prosecution.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of seizure witnesses Baliram Gandharv and Yashwant which would show that they have not supported the case of prosecution.
7. Taking into consideration facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that the seizure witnesses have not supported the prosecution case and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 19-8-2016, 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