

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2011 of 2017

Arun Yadav S/o Saiyta Yadav, Aged About 20 Years R/o Village Bhagatdevari, Thana Sankara, Tahsil Pithora, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For applicant - Shri Vikash Pradhan, Advocate.
For Respondent/State – Shri Vivek Singhal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

12/04/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 9/08/2016 vide M.Cr.C. No.4378 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.86/2016 registered in Police Station Sankra, District Mahasamund (CG) for offence punishable under section 34 (2) of Chhattisgarh Excise Act.
3. As per the prosecution case, when a raid was conducted by the police party, the applicant along with co-accused were found in possession of illicit liquor measuring about 79.470 bulk liters, the same was seized from them and thereby the aforesaid offence was committed.
4. Learned counsel for the applicant submits that two seizure witnesses namely Hemant Kaushik and Tejprakash Banchor have been examined and they have not supported the case of the prosecution. He further submits that the applicant has also been acquitted in respect of the

earlier case, therefore the applicant may be released on bail.

5. Learned State counsel do not dispute the fact that two seizure witnesses namely Hemant Kaushik and Tejprakash Banchor have been examined and they have not supported the case of the prosecution.

6. Considering the fact that two seizure witnesses namely Hemant Kaushik and Tejprakash Banchor have been examined and they have not supported the case of the prosecution and also for the fact that applicant is in jail since 6/07/2016, this court is inclined to release the applicant on bail.

7. Accordingly, the second bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE