

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1941 of 2017

Deepak Yadav @ Arjun Yadav, S/o. Nanki Ram Yadav, Aged About 21 Years, R/o. Chantidih, Police Station Sarkanda, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station-Torwa, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. R.M.Solapurkar, Advocate

For Respondent : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11.04.2017

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.13/2015 registered at Police Station- Torwa, District Bilaspur (C.G.) for the offence punishable under Section 34(2), 59(B) of the Excise Act and Section 181 & 180 of M.V.Act.
2. As per the prosecution case, on 18.01.2015, the applicant was found in possession of 190 bulk liters of illicit liquor. Subsequently, he was arrested on 27.02.2015.
3. Learned counsel for the applicant would submit that this is the second bail application, the first bail application was dismissed as withdrawn on 22.11.2016 in MCRC No.7288 of 2016 with liberty to repeat the same after examination of the seizure witnesses. It is submitted that no witness have been examined till 02.03.2017. He further submits that the applicant is in jail since 27.02.2015 i.e. for more than two years, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the documents and the order sheets of the Court below, which shows that the statement of the witnesses have not been recorded for a considerable time. Taking into facts of this case and the period of detention of the applicant as he is in jail since 27.02.2015, 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