

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2066 of 2017

Bhagirathi Sahu, S/o. Vishram Sahu, Aged About 40 Years, R/o. Village Kharkena, Police Station- Hirri, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Amit Kumar Chaki, Advocate

For Respondent : Mr. S.R.J.Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.04.2017

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.177/2016 registered at Police Station- Hirri, District Bilaspur (C.G.) for the offence punishable under Section 34(1), 34(2), 59(A) of the Chhattisgarh Excise Act.
2. As per the prosecution case, on 09.11.2016, when a raid was made at village Kharkena, from the possession of the applicant, total 5.770 bulk liters of illicit liquor was seized.
3. Learned counsel for the applicant would submit that this is the second bail application, the first bail application was dismissed as withdrawn on 06.12.2016 with liberty to file afresh after examination of the seizure witnesses and now the seizure witnesses namely Sunil Sahu & Jaishankar Sahu have been examined and they have not supported the case of the prosecution; therefore, the applicant may be released on bail.

4. Per contra, 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 the prosecution.
5. Considering the facts & circumstances of the case and the fact that the seizure witnesses in this case have been examined and they have not supported the case of the prosecution, without any observation on merit, 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