

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2182 of 2017

Sammi Tandon, S/o. Mukhit Tandon, Aged About 27 Years, R/o. Village Dongariya, Police Station Simga, District Baloda Bazar - Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Of Police Station Simga, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07.04.2017

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.07/2017 registered at Police Station- Simga, District Baloda Bazar- Bhatapara (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
2. As per the prosecution case, on 06.01.2017, on a raid being conducted, from the possession of the applicant, total 7.56 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for the applicant would submit that this is the second bail application, the first bail application was dismissed as withdrawn on 02.02.2017 with liberty to file afresh after examination of the seizure witnesses. It is submitted that one of the seizure witness namely Bhikham Chand has been examined and he has not supported the case of the prosecution and another

seizure witness though has been summoned, he could not be served and the applicant is in jail since 06.01.2017, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, she is not able to dispute the fact that one of the seizure witness has been examined and he has not supported the case of the prosecution.
5. Perused the documents as also the order sheet. Copy of the summons issued to another seizure witness Abhishek Tiwari shows that no one resides in such name. Considering the fact that one of the seizure witness namely Bhikham Chand has been examined and he has not supported the case of the prosecution and further taking into the detention period of the applicant as he is in jail since 06.01.2017, 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