

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2338 of 2017

Shivram, S/o. Teejram Satnami, Aged About 40 Years, R/o. Village Domuhani, Police Station Bilaigarh, Districtt Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Bilaigarh, District Baloda- Bazar Bhataapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. S.K.Guha, Advocate

For Respondent : Mr. O.P.Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.04.2017

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.406/2016 registered at Police Station- Bilaigarh, 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 12.11.2016, on a raid being conducted, from the possession of the applicant, total 9 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for the applicant would submit that this is the second bail application, the first bail application was dismissed as withdrawn on 19.12.2016 with liberty to file afresh after examination of the seizure witnesses and now the seizure witnesses namely Sidhan Kewat & Satish Kumar have been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.
5. Perused the statement of the seizure witnesses Sidhan Kewat & Satish Kumar. The witness Sidhan Kewat has not supported the case of the prosecution and the witness Satish Kumar has stated that the seizure was made at the Police Station. Considering such statements, 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