

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2424 of 2017

1. Sahdev Yadav, S/o. Mannuram Yadav, Aged About 30 Years, R/o. Village Navagaon (Muswadih), Police Station -Bhatapara (Gramin), District- Baloda Bazar, Bhatapara- Chhattisgarh. At Present R/o. Rohra, Ward No. 11, Police Station Bhatapara (Gramin), District Baloda Bazar- Bhatapara- Chhattisgarh.
2. Sanju Ram Yadav, S/o. Janak Ram Yadav, Aged About 45 Years, R/o. Rohra, Ward No. 11, Police Station -Bhatapara, (Gramin), District- Baloda Bazar, Bhatapara- Chhattisgarh.

---- Applicants

Versus

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

---- Respondent

For Applicants	:	Mr. C.K. Sahu, Advocate
For Respondent	:	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

26/04/2017

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.114/2016, registered at Police Station- Simga, District – Balodabazar – Bhatapara (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. As per prosecution case, on information being received a raid was conducted by the police party, the applicants were found in possession of illicit liquor measuring about 483.84 bulk liters, the same was seized from them and thereby the aforesaid offence was committed.
3. Learned counsel for the applicants submits that this is third bail application. The first bail application was dismissed for want of

prosecution on 09.02.2017 and the subsequent bail application was dismissed on 29.03.2017 and on that date the seizure witnesses namely Yogendra Kumar Sahu and Ramsahay Sahu were examined before the Court below and they have not supported the case of the prosecution; therefore, the applicants may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that seizure witnesses have been examined and they have not supported the case of the prosecution.
5. Perused the statement of Yogendra Kumar Sahu and Ramsahay Sahu, who were examined before the Court below on 29.03.2017. Perusal of the statement it appears that they have not supported the case of the prosecution. Taking into such fact, this Court is inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge