

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2683 of 2017

Ashif Khan, S/o. Babu Khan, Aged About 24 Years, R/o. Pathanpara
Chhuikhadan, Police Station Chhuikhadan, District- Rajnandgaon,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station -
Chhuikhadan, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Abhishek Sharma, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.04.2017

1. This is 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.312/2016 registered at Police Station- Chhuikhadan, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of Excise Act & Section 25 of the Arms Act. The first bail application was dismissed on 02.03.2017 in MCRC No.1050 of 2017.
2. Case of the prosecution, in brief, is that on 23.12.2016 while the applicants were traveling in a motorcycle, having intercepted from the possession 17.280 bulk liters of country made liquor and dagger (Gupti) was seized from them.
3. Learned counsel for the applicant would submit that the seizure witnesses in this case namely Sheetal Mohobia & Prakash Mahobia have been examined and they have not supported the

case of the prosecution and the applicant is in jail since 23.12.2016, therefore, he 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. Perused the case diary and the statement of the seizure witnesses. Considering the fact that the seizure witnesses have been examined and they have not supported the case of the prosecution and the applicant is in jail since 23.12.2016, 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