

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2632 of 2017

Yashpal, S/o. Ramsai Sori, Aged About 34 Years, R/o. Road Atariya,
Police Station & Tahsil- Chhuikhadan, District- Rajnandgaon,
Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Abhishek Sharma, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.04.2017

1. This is third 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.287/2016 registered at Police Station- Chhuikhadan, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
2. As per the prosecution case, on 18.11.2016, on a raid being conducted, from the possession of the applicant, total 25.380 bulk liters of illicit liquor was seized.
3. Learned counsel for the applicant would submit that this is the third bail application, the first bail application was dismissed as withdrawn on 13.12.2016 and second bail application was dismissed as withdrawn on 06.03.2017 with liberty to file afresh after examination of the seizure witnesses and now the seizure witnesses namely Surendra & Ashwani have been examined,

which shows that the applicant was not apprehended at the spot; 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.
5. Perused the statement of seizure witness namely Surendra & Ashwani, which shows that the applicant was not apprehended on the spot. Considering the same and the fact that the applicant is in jail since 22.11.2016, 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