

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2885 of 2017

Ashish Verma S/o Shri Chowaram Verma, Aged About 27 Years R/o
Village Mushwadih, Post Office & Police Station Suhela, District
Balodabazar Bhatapara Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police
Station- Excise Circle, Arang, District- Raipur, Chhattisgarh.

---- Respondent

For applicant - Shri Shivendu Pandya, Advocate.
For Respondent/State –Shri S.R.J. Jaiswal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

25/04/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 18/01/2017 vide M.Cr.C. No.33 of 2017 with liberty to repeat the same after examination of the seizure witness.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.261/2016 registered in Police Station Excise Circle Arang, District Raipur (C.G.) for offence punishable under section 34 (2), 34(1) & 59(A) of Excise Act.
3. As per the prosecution case, on a raid being conducted on 3/08/2016 from the possession of the applicant 129.6 bulk liters of liquor was seized.
4. Learned counsel for the applicant submits that now the seizure witnesses namely Lokesh Kumar Tondan and Govind Bande have been examined. One of the witness have not directly supported the case of the prosecution, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the statement of the witness Lokesh Kumar Tondan. Though after declaring him as hostile detail cross-examination was made. Considering the statement entire cross-examination is to be appreciated alongwith other evidence, only by picking up one line this court cannot give a finding and usurp power of the trial court. Therefore, this court is not inclined to entertain this second bail application.

7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE