

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3092 of 2017

Basawan Sahu, S/o. Vishwanath Sahu, Aged About 44 Years, R/o. Jhajhpuri, Police Station Jarhagaon, Civil District Bilaspur & Revenue District Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Jarhagaon, Civil District Bilaspur & Revenue District Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pallav Mishra, Advocate

For Respondent : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01.05.2017

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.30/2017 registered at Police Station- Jarhagaon, Mungeli (C.G.) for the offence punishable under Section 34(2), 59(A) of the Excise Act.
2. As per the prosecution case, on 14.02.2017, on information received, on a raid being conducted, from the possession of the applicant, total 13.500 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for the applicant would submit that this is the second bail application, the first bail application was dismissed as withdrawn on 20.03.2017 with liberty to repeat the same after examination of the seizure witnesses and now the seizure witnesses namely Gyaneshwar & Jitendra have been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, 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 statement of the seizure witnesses. Considering the fact that the seizure witnesses in this case have not supported the case of the prosecution, 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