

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3174 of 2017

Dilip Patre S/o Budhram Patre, Aged About 31 Years R/o Village
Piparmati, Police Station & Tehsil Pandatarai, District Kabirdham,
Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh Through Officer In Charge, Police Station
Pandatarai, District Kabirdham, Chhattisgarh.

---- Respondent

For applicant - Shri Mahendra Dubey, Advocate.
For Respondent/State –Smt. M. Asha, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

03/05/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 20/03/2017 vide M.Cr.C. No.1376/2017 with liberty to repeat the same after examination of the seizure witness.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.10/2017 registered in Police Station Pandatarai, District Kabirdham C.G.) for offence punishable under section 34 (2) of Chhattisgarh Excise Act.
3. As per the prosecution case, on 6/02/2017 on a raid being made from the possession of the applicant 36.175 bulk liters of liquor was seized.
4. Learned counsel for the applicant submits that seizure witnesses namely Sumiran Das and Lekha Ram Ratre have been examined and they have not supported the case of the prosecution, therefore the applicant may be released on bail.
5. Learned State counsel do not dispute the fact that seizure

witnesses namely Sumiran Das and Lekha Ram Ratre have been examined and they have not supported the case of the prosecution.

6. Considering the facts and circumstances of the case and also for the fact that seizure witnesses namely Sumiran Das and Lekha Ram Ratre have been examined and they have not supported the case of the prosecution, this court is inclined to release the applicant on bail.

7. Accordingly, the second bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE