

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3326 of 2017

Hitesh Kumar Sahu, S/o. Heeruram Sahu, (*wrongly mentioned as Hithram Sahu in the earlier bail preferred by the applicant*), Aged About 24 Years, R/o. Khamtarai, Police Station Devri, Outpost Pinkapar, District Balod, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Outpost Pinkapar, Police Station Devri, District- Balod, Chhattisgrh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08.05.2017

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.11/2017 registered at Outpost Pinkapar, Police Station- Devri, District Balod (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act.
2. As per the prosecution case, on 03.02.2017, on information received, on a raid being conducted, from the possession of the applicant, total 14.580 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would submit that this is the second bail application, the first bail application of the applicant was dismissed as withdrawn on 07.03.2017 with liberty to repeat the same after examination of the seizure witnesses and now the seizure witnesses namely Hem Bai & Revti Sahu have been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