

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3395 of 2017

1. Deepak, S/o. Prahallad Sahu, Aged About 28 Years.
2. Bharat Mahere, S/o. Chhattis Mahare, Aged About 42 Years.
3. Sahdeo Patel, S/o. Vrinda Prasad Patel, Aged About 52 Years.

All are R/o. Village Kalenda (Chhibarra) Police Station & Tahsil Saraipali, District- Mahasamund, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through The Excise Sub Inspector, Excise Circle, Saraipali, District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicants : Mr. Raghavendra Pradhan, Advocate

For Respondent : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.05.2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.213/2017 registered at Excise Sub Inspector, Excise Circle, Saraipali, District Mahasamund (C.G.) for the offence punishable under Sections 34(1)(A), 34(2) & 59(A)(1)(2) of the Excise Act.
2. As per the prosecution case, on 06.01.2017, on a raid being conducted, from the possession of the applicants, total 180 bulk liters of illicit liquor was seized, which was being transported in a Bolero vehicle bearing No.C.G.-06 GC 9131.
3. Learned counsel for the applicants would submit that this is the second bail application, the first bail application of the applicants was dismissed as withdrawn 21.03.2017 with liberty to repeat the same after examination of the seizure witnesses and now the seizure witnesses namely Sundar Kumhar & Kheersagar have

been examined and they have not supported the case of the prosecution; therefore, the applicants may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, she 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 applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge