

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3505 of 2017

Satyanarayan Sahu, S/o. Shri Thandaram Sahu, Aged About 38 Years,
R/o. Village- Chhirra, Thana & Tahsil- Bilaigarh, Civil & Revenue District
Balodabajar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station-
Bilaigarh, Civil & Revenue District- Balodabajar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15.05.2017

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.14/2017 registered at Police Station- Bilaigarh, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution case, on 09.01.2017, on a raid being conducted, from the possession of the applicant, total 15 bulk liters of illicit country made 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would submit that this is the second bail application, the first bail application of the applicant was dismissed as withdrawn 06.02.2017 with liberty to file afresh after examination of the seizure witnesses and now the seizure witnesses namely Sant Kumar Sahu & Satish Kumar have been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, 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 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