

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4784 of 2017

Sukhsai Sidar, S/o. Shivcharan Sidar, Aged about 32 years, R/o. Village Nunpani, Tahsil & Police Station Saraipali, Civil & Revenue District Mahasamund (C.G.).

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Saraipali, District Mahasamund (C.G.)

---- Respondent

For Applicant : Mr. Sanjay Agrawal, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26.07.2017

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.104/2017 registered at Police Station- Saraipali, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that on 02.04.2017 from the possession of the applicant, 297 bulk liters of illicit liquor was seized.
3. Learned counsel for the applicant would submit that this is the second bail application, the earlier bail application was dismissed as withdrawn on 14.06.2017 with liberty to repeat the same after examination of the seizure witnesses. He submits now the seizure witnesses namely Laxman @ Polo & Munna 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 case diary and the statements. Considering the facts & circumstances of the case and the fact that the seizure witnesses have been examined and they have not supported the case of the prosecution, 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