

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4813 of 2017

Dinesh Wadekar S/o Late Suresh Wadekar Aged About 49 Years
R/o Village Devridih, Near High School, Police Station Torwa, Civil
And Revenue District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate/ Station House
Officer, Police Station Torwa, District Bilaspur Chhattisgarh.

---- Respondent

For applicant - Shri C.P. Lahrey, Advocate.
For Respondent/State –Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/07/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 13/06/2017 vide M.Cr.C. No.2628 of 2017 with liberty to repeat the same after examination of the seizure witness.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.112/2017 registered in Police Station Torwa, District Bilaspur (C.G.) for offence punishable under section 34 (2)(a), 59 (a) of Chhattisgarh Excise Act.
3. As per the prosecution case, on 1/04/2017 on an information received that the applicant is selling illicit liquor and on a raid being conducted from the possession of the applicant 42.48 bulk liters of liquor was seized.
4. Learned counsel for the applicant submits that seizure witnesses namely Ajay Shrivastava and Tikeswar Singh Thakur 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 Ajay Shrivastava and Tikeswar Singh Thakur 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 Ajay Shrivastava and Tikeswar Singh Thakur 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