

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5076 of 2017**

- Mini Bai Jhariya W/o Late Bhagat Jhariya, Aged About 45 Years R/o Village Noonchhapar, Police Station Sahaspur Lohara, Civil And Revenue District Kabirdham, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate/ Station House Officer, Police Station Sahaspur Lohara, District Kabirdham (Chhattisgarh).

---- Respondent

For Applicant	:	Shri Dharmesh Shrivastava, Advocate
For Respondent-State	:	Shri SK Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

02/08/2017

1. This is the Second Bail Application under Section 439 of Cr.P.C. The applicant has preferred this application for grant of bail as she is arrested in connection with Crime No.93/2017, registered in Police Station S.Lohara, District-Kabirdham for offence under Section 34 (2) of the C.G. Excise Act.
2. As per the prosecution case, on 11.04.2017 on a raid being conducted, the applicant was found to be in possession of 360 bulk liter of country made liquor.
3. Learned counsel for the applicant submits that this is the second bail application. The first bail application was dismissed as withdrawn on 13.06.2017 with liberty to file afresh after examination of the seizure witnesses. Now the seizure witnesses Shankar Singh and Ashok Patel have been examined and they have not supported the case of the

prosecution.

4. Learned State counsel has not disputed the fact that the seizure witnesses have not supported the case of the prosecution.
5. Considering the fact that the seizure witnesses have not supported the case of the prosecution, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on her executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. She is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri

Judge

Ashu