

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5855 of 2017

Ramesh Yadav, S/o. Radhe Yadav, Aged About 53 Years, R/o. Village Amera, Police Station & Tehsil - Pallari District (Revenue & Civil) Balodabazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Pallari, District (Revenue & Civil) Balodabazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjeev Das, Advocate

For Respondent : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.09.2017

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.145/2017 registered at Police Station- Palari, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 34(2) of the Excise Act. The first bail application was dismissed as withdrawn on 13.06.2017 in MCRC No.3281 of 2017 with liberty to repeat the same after examination of the seizure witness.
2. Case of the prosecution, in brief, is that on 11.04.2017 on a raid being conducted, from the possession of the applicant, total 138.585 bulk liters of illicit liquor was seized.
3. Learned counsel for the applicant submits that this is the second bail application, the earlier bail application was dismissed as withdrawn with liberty to repeat the same after examination of the

seizure witnesses and now the seizure witness in this case namely Satish Dritlahare & Harsh Patle have been examined and they have not supported the case of the prosecution; therefore, the applicant may be released on bail.

4. Learned State counsel do not dispute the fact that the seizure witness have been examined and they have not supported the case of the prosecution.
5. Perused the case diary and the statements. Considering the fact that the seizure witness have been examined and they 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