

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5601 of 2021

1. Harsh Kumar Sahu, S/o. Late Hiru Ram Sahu, Aged About 26 Years, R/o. Village Surgi, Chauki Surgi, District Rajnandgaon Chhattisgarh.
2. Chandrakumar Sahu, S/o. Rohit Ram Sahu, Aged About 30 Years, R/o. Village Aalikhunta Pathan, Police Chauki Surgi, District Rajnandgaon Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through The Out Post Surgi, Police Station Basantpur, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicants : Mr. S.S.Baghel, Advocate

For Respondent : Mr. Gagan Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

02.08.2021

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.90/2021 registered at O.P. Surgi, Police Station- Basantpur, Distt. Rajnandgaon, for the offence punishable under Section 34(2) of the C.G. Excise Act, 2015 & Sections 424, 465, 34, 471 of Indian Penal Code.
2. As per the prosecution case, on a vehicle bearing registration No. C.G. 04 MQ 9199 being intercepted, total 855 bulk liters of liquor were seized and the petitioners were the occupants of the vehicle.
3. Learned counsel for the applicants would submit that the first bail application of the applicants was dismissed on 17.05.2021 and now the change of circumstances is that the seizure witness Bholaram and Gajendra Kumar Sahu have been examined and they have not

supported the case of the prosecution. Therefore, the applicants 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 two seizure witness Bholaram Dhimar and Gajendra Kumar Sahu have been examined and they have not supported the case of the prosecution.
5. Considering the fact that the seizure witness Bholaram Dhimar & Gajendra Kumar Sahu have been examined and they have not supported the case of the prosecution, without any observation on merit, taking into the fact that the applicants are in jail since 21.02.2021, I am inclined to release the applicants on bail. Accordingly, the second bail application filed under Section 439 of the Cr.P.C. is allowed.
6. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge