

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1131 of 2016

- Raj Alias Prem Yadav S/o Pramod Yadav Aged About 21 Years
R/o Ram Nagar Ward No. 8, Chikhali, District Rajnandgaon
Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Dongargarh
District, Rajnandgaon Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Shaleen Singh Baghel, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.03.2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 433 of 2015 registered at P.S. Dongargarh, Distt. Rajnandgaon (C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915. The first bail application was dismissed on 14.01.2016.
2. As per the prosecution case, on 29.10.2015 on receipt of secret information that illicit liquor was being carried out in a vehicle, the road was cordoned off and thereafter when the applicant who was driving the vehicle bearing Chasis no. MPT 446248 D 9 N 23277 was intercepted, he fled away in the jungle. Subsequently, the vehicle was taken into possession and 86.400 bulk litres of illicit liquor was seized from the said vehicle.
3. Learned counsel for the applicant submits that seizure witnesses Sharad Kurre and Kailash Banjare have been

examined and they have not supported the case of prosecution, therefore, the falsity is writ large. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 29.10.2015, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he do not dispute the fact that both the seizure witnesses have not supported the case of prosecution.
5. Taking into consideration such fact and further looking to the period of detention of the applicant as he is stated to be in jail since 29.10.2015 as also the fact that charge sheet in this case has been filed, without any observation on merits of the case, this Court is inclined to release him on bail. Accordingly, this application is allowed.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE