

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1187 of 2016

- Rupendra Verma S/o Bir Singh Verma Aged About 26 Years
R/o Village Devada, Police Station Ghumka, Tahsil & District
Rajnandgaon Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Police Station Ghumka, District
Rajnandgaon Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Shaleen Singh, Advocate
For the Respondent	:	Ms. Sunita Jain, 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. 103 of 2015 registered at Police Station Ghumka, Distt. Rajnandgaon (C.G) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act, 1915. The first bail application was dismissed as withdrawn on 18.01.2016
2. As per the prosecution case, on 17.09.2015 when a raid was conducted on the Pan Shop of the applicant, 81 bulk litres of illicit liquor was conducted from the possession of the applicant.
3. Learned counsel for the applicant submits that both the seizure witnesses namely Om Prakash Patila and Vishnu Manikpuri have been examined as P.W.1 and P.W.2 before the trial Court and they have not supported the case of prosecution. He relied on the statements of the said witnesses and prays for releasing the applicant on bail.
4. Per contra, learned State Counsel opposes the bail

application. However, she do not dispute the fact that both the seizure witnesses Omprakash Patila and Vishnu Manikpuri have not supported the case of prosecution.

5. Considering the fact that the seizure witnesses have not supported the case of prosecution and the applicant is in jail since 16.11.2015, this Court is inclined to release him on bail. Accordingly, this application is allowed.
6. 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.
7. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE