

COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No. 1433 /2016

Prakash Lodhi, S/o. Dukhwa Lodhi, Aged About 42 Years, R/o. Village Khairanawapara, Police Station Chhuikhadan, Tahsil Chhuikhadan, Distt. Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station Chhuikhadan, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Abhishek Sharma, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08.03.2016

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.290/2015 registered at Police Station– Chhuikhadan, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. Case of the prosecution, in brief, is that on 22.10.2015 on information received that the applicant is in possession of country made liquor, raid was made and 72 bulk liters of illegal country made liquor was seized from the possession of the applicant.
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for the applicant submits that this is the second bail application, the earlier bail application was dismissed as withdrawn with liberty to repeat the same after examination of the seizure witness. He would submit that the applicant has been falsely implicated in this case and the seizure witnesses have been

examined and they have not supported the case of the prosecution, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and she would submit that apart from the present case, one another case under Section 34(A) of the Excise Act was registered against the applicant under Crime No.217/2015 for keeping 2.52 bulk liters of liquor.
5. Perused the case diary and the statement of Rahul Sonteki and Roshan Manikpuri who are the seizure witness. This is not disputed that they are only the seizure witness and reading the statement of the seizure witness would show that they have not supported the case of the prosecution. Taking into such statement, without any observation on merit, considering the fact that the applicant is in jail since 22.10.2015, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge