

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1884 of 2016

- Bulaki Ram Sahu S/o Jeevan Lal Sahu Aged About 25 Years
R/o Vllage Singarpur (Wrongly Mentioned As Sigarpur In
Certified Copy), Police Station Bhatapara (Rural), Civil and
Rev. District Baloda Baza - Bhatapara Chhattisgarh. ---
Applicant.

Versus

- State of Chhattisgarh through Station House Officer, Police of
Police Station Bhatapara (Rural), District Baloda Bazar
Bhatapara Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Anil Gulati, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.03.2016

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. 172 of 2015 registered at P.S. Bhatapara (Rural) District Baloda Bazar Bhatapara (C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution case, in brief, is that after receiving information on on 19.9.2015 a raid was conducted by the Police and during such raid, 7.200 bulk litres of illicit liquor was recovered from the possession of the applicant.
3. Learned counsel for the applicant submits that the earlier bail application was dismissed on 30.11.2015 and thereafter the seizure witnesses and other witnesses have been examined and they have not supported the case of prosecution. He further submits that the applicant is in jail since 19.09.2015 and the charge sheet has already been

filed and looking to the period of detention, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statements of seizure witnesses Rajkumar Kaushal and Upendra Verma who were examined as P.W.10 & P.W.11 wherein they have not supported the case of prosecution.
6. Taking into consideration the totality of the circumstances and the fact that seizure witnesses have not supported the prosecution version and also looking to the period of detention of the applicant as he is stated to be in jail since 19.09.2015, without any observation on merits of the case, this Court is inclined to release the applicant on bail. Accordingly, this application is allowed.
7. 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 is directed to appear before the trial Court as and when directed by the said Court.
8. C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**