

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3288 of 2016

1. Umesh Pamnani S/O Shyamlal Pamnani Aged About 30 Years
R/O Ashok Nagar, Sarkanda Police Station - Sarkanda, District -
Bilaspur Chhattisgarh
2. Akash Tahalpani S/O Manoharlal Tahalpani Aged About 24 Years
R/O Uslapur, Below Over Bridge, Police Station - Civil Line, District
- Bilaspur Chhattisgarh
3. Manish Jigyasi S/O Goverdhan Das Jigyasi Aged About 21 Years
R/O Kasturba Nagar, Sindhi Colony, Police Station - Civil Line,
District - Bilaspur Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer Police
Station - Kota, District - Bilaspur Chhattisgarh

---- Respondent

For Applicants : Mr. Goutam Khetrapal, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.07.2016

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 4-2-2016 in connection with Crime No. 22 of 2016, registered at Police Station Kota, District Bilaspur (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. First bail application was rejected rejected by co-ordinate Bench of this Court on 4-2-2016 and second bail application was rejected by the same Bench on 9-3-2016.
3. Learned counsel appearing for the applicants would submits that seizure witnesses have been examined in this case and they have

not supported the case of prosecution, therefore, the applicants have preferred third bail application for grant of regular bail.

4. The prosecution alleges that on 3-2-2016 the applicants were found to be in possession of illicit liquor measuring about 14.940 bulk liters of country made liquor and foreign liquor and the alleged liquor was recovered from them and thereby the aforesaid offence was committed.
5. Learned counsel appearing for the applicants would submit that seizure witnesses Raju Baghel and Manoj Kumar Yadav have been examined but they have not supported the prosecution case. He would further submit that the charge sheet has been filed and the applicants are in jail since 4-2-2016, therefore, they may be released on bail.
6. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the seizure witnesses have not supported the prosecution case.
7. I have heard learned counsel for the parties and have also perused the case diary and the documents.
8. Taking into consideration all the facts and circumstances of the case and considering the statements of the seizure witnesses who have not supported the prosecution case and without any observation on the merits of the case, I am inclined to release the applicants on bail.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as
and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju