

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3743 of 2016

- Suresh Nishad S/o Budhhu Nishad Aged About 42 Years R/o Village - Jamghat, Police Station & Tahsil - Berla, Civil & Revenue District - Bemetara Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through : Police Station - Berla, Civil & Revenue District - Bemetara Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Vaibhav Govardhan, Advocate
For the Respondent	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.07.2016

1. This is first 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. 224 of 2013 registered at P.S. Berla, Distt. Bemetara (C.G) for the offence punishable under Sections 34(2) of the C.G. Excise Act, 1915.
2. As per the prosecution case, when a raid was conducted by the Police, 6.480 bulk litres of illicit liquor was recovered from him.
3. Learned counsel for the applicant submits that seizure witnesses Santosh Nishad and Ram Singh in this case have been examined and they have not supported the case of prosecution. He further submits that challan has been filed and the applicant is in jail since 13.04.2016, therefore, the applicant be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail and submits that similar nature of cases were registered against the applicant.

5. Perused the statements of seizure witnesses. It is not disputed that the seizure witnesses in the instant case have not supported the case of prosecution. Taking into such fact and further looking to the quantity of liquor i.e., 6.480 bulk litres allegedly recovered from the applicant, without any observation on merit, I am inclined to allow this bail application.
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**