

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4064 of 2016

1. Shriram Nishad, aged about 28 years, S/o. Mohan Nishad,
 2. Pawan Laroker, aged about 24 years, S/o. Lt. Kiran Laroker,
 3. Gaman Nishad, aged about 30 years, S/o. Mohan Nishad,
- All of them are R/o. Village-Budhwari Para, Ward No.14, P.S. & Tah. - Dongargarh, Civil and Revenue District – Rajnandgaon (C.G.)

---- Applicants

Versus

State Of Chhattisgarh, Through : P.S. - Dongargarh, District – Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicants : Mr. Rakesh Thakur, Advocate

For Respondent : Ms. Shobha Kashyap, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 82/2016, registered at Police Station- Dongargarh, District Rajnandgaon (C.G.) for the offence punishable under Section 34 (2) of Excise Act.
2. Case of the prosecution, in brief, is that on 15.02.2016 on raid being conducted on a vehicle Scorpio Car without any number plate, 2761.20 bulk liters liquor was seized.
3. Learned counsel for the applicants would submit that seizure witnesses in this case has been examined before the Court below and they have not supported the case of the prosecution, therefore, the counsel prays that the applicants may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, she do not dispute the fact that seizure witness namely Daulat and Karan Verma have not supported the case of the prosecution.
5. I have heard learned counsel appearing on behalf of the parties.
6. Perused the statement of the seizure witnesses. Seizure witnesses in this case have not supported the case of the prosecution. Considering the same without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, both the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge