

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2540 of 2016

- Ram Vishal Bhatri S/O Dauva Ram Bhatri Aged About 65 Years
R/O : - Village - Lawar, P.S. & Tahsil - Simga, District - Baloda -
Bazar - Bhatapara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : - S. H. O. - Simga, District - Baloda
- Bazar - Bhatapara Chhattisgarh

---- Respondent

For Applicant : Mr. Hemant Gupta, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11-07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 23-03-2016 in connection with Crime No. 69 of 2016, registered at Police Station Simga, District Baloda-Bazar (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per prosecution case, 20-3-2016 on information being received, a raid was made and from the possession of the applicant 216 liters of liquor were seized.
3. Learned counsel appearing for the applicant would submit that seizure witnesses Kartik Ram Dhruw and Shiv Kumar Dhruw have been examined who have not supported the case of the prosecution, therefore, the applicant has been falsely implicated in this case. He would further submit that the age of the applicant is 65 years, charge-sheet has been filed in this case, the applicant is

in jail since 23-03-2016 and no further investigation is necessary, therefore, he may be released on bail.

4. 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.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts of the case and considering the fact that the age of the applicant is 65 years and without any observation on the merits of the case, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju