

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5173 of 2016

Parsuram Sahu, aged about 35 years, S/o. Fattu Sahu, R/o. Vill. Mushrakala,
P.S. - Dongergarh, Civil and Revenue District – Rajnandgaon (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Police Station – Dongergarh, District –
Rajnandgaon (C.G.)

---- Respondent

For Applicant	:	Mr. Rakesh Thakur, Advocate
For Respondent	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

05/09/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 198/2016, registered at Police Station- Dongergarh, District – Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act. The first bail application was dismissed as withdrawn with liberty to revive the same after examination of the seizure witnesses vide order dated 18.07.2016 in M.Cr.C.No.3258/2016.
2. As per prosecution on 16.05.2016 on raid being conducted from the possession of the applicant 5.76 bulk liters illicit liquor was seized. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is further submitted that seizure witnesses in this case have been examined before the Court below and they have not supported the case of the prosecution, therefore,

the counsel prays that the applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the seizure witnesses in this case have not supported the case of the prosecution.
5. Considering the fact that seizure witnesses in this case have not supported the case of the prosecution, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge