

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5209 of 2016

- Smt. Rampyari W/o Motiram Sahu, Aged About 58 Years R/o Village Kharra, Tahsil & Police Station Berla, Civil And Revenue District Bemetara, Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through Excise Department, Bemetara, Civil And Revenue District Bemetara, Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Aditya Kumar, Advocate
For the Respondent	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.09.2016

1. This is second 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. 20/2016 registered at P.S. Excise Department, Bemetara, Distt. Bemetara (C.G) for the offence punishable under Section 34(2) of the Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police on 27.04.2016, 26.640 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the first bail application was dismissed on 22.06.2016 with liberty to file afresh after seizure witnesses are examined and now the seizure witnesses in this case have been examined and they have not supported the case of prosecution and thus the applicant has been falsely implicated in this case. He further submits that the applicant is in jail since 27.4.2016 and no further investigation is necessary, therefore, she may

be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he do not dispute the fact that both the seizure witnesses have not supported the case of prosecution.
5. Perused the statements of Ballu and Rajesh who were said to be the seizure witnesses and they have not supported the case of prosecution.
6. Taking into consideration such statements of seizure witnesses this Court is inclined to release the applicant on bail. Accordingly, this application is allowed.
7. The applicant is directed to be released on bail on her 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. She will also appear before the said Court as and when directed by the said Court.

Sd/-

**GOUTAM BHADURI
JUDGE**