

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5552 of 2016

Rakesh Deshlahre, S/o. Mohan Das Deshlahre, Aged About 27 Years,
R/o. Village Chikhala, Thana Saja, Revenue / Civil District Bemetara,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Thana Saja, Revenue/Civil District
Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Samir Singh, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/09/2016

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.188/2016 registered at Police Station- Saja, District Bemetara (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution, on 16.06.2016, on a raid being conducted, total 6.480 bulk liters of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that this is the second bail application, the earlier bail application was dismissed as withdrawn on 21.07.2016 with liberty to file afresh after seizure witnesses are examined. renew the same after examination of the seizure witness. He further submits that the seizure witnesses namely Leela Das & Deepak Sahu have been examined and they

have not supported the case of the prosecution; therefore, considering the fact that the applicant has been falsely implicated in this case, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the seizure witness have been examined and they have not supported the case of the prosecution.
5. Considering the facts & circumstances of the case and the fact that the seizure witnesses have not supported the case of the prosecution, I am 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 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.

Sd/-
(Goutam Bhaduri)
Judge