

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5737 of 2016

- Chandraprakash Mohle S/o Ram Singh Mohle Aged About 38 Years
R/o Village Dashrangpur, Police Station Jarhagaon, District Mungeli,
Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station-
Jarhagaon, District Mungeli, Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Harish Khuntiya, Advocate
For the Respondent	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.09.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 130 of 2016 registered at P.S. Jarhagaon, Distt. Mungeli (C.G) for the offence punishable under Sections 34(2), 59(A) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 12.200 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that this is second bail application. The earlier bail petition was dismissed as withdrawn with the liberty to repeat the same after examination of the seizure witnesses. Learned counsel submits that seizure witnesses namely Sundarmal & Ajay Banjare have been examined and they have not supported the case of prosecution, therefore, the applicant has been falsely implicated in this case and he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he do not dispute the fact that the above seizure witnesses have not supported the case of prosecution.
5. Taking into consideration that the seizure witnesses Sundermal and Ajay Banjare have been examined and they have not supported the case of prosecution this Court is inclined to release the applicant on bail. Accordingly, this application is allowed.
6. The applicant is directed to be released on bail on his 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. He shall also appear before the said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE