

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3492 of 2016

Sunil Gupta, S/o. Jagnarayan Gupta, aged about 38 years, R/o. Baigapara, Chalgali, P.S. Chalgali, District – Balrampur - Ramanujganj

---- Applicant

Versus

The State of Chhattisgarh, Through : the Sub Inspector, Excise Circle, Balrampur, District – Balrampur – Ramanujganj (C.G.)

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate
For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

01/08/2016

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 in connection with Crime No. P-8 No. 16/16, registered at Police Station- Excise Circle Balrampur, District – Balrampur – Ramanujganj (C.G.) for the offence punishable under Section 34 (1) (2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that on 16.05.2016 the applicant was found to be in possession of illicit liquor measuring about 138.48 bulk liters and he was arrested on 16.05.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 16.05.2016. It is further submitted that seizure was not made in person from the applicant and the seizure witnesses Birbal and Vinay Kumar have turned hostile and have not supported the case of the prosecution, therefore, the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, she do not dispute the fact that seizure witnesses have been turned hostile and have not supported the case of the prosecution.
5. Considering the facts and circumstances of the case and further considering the fact that seizure witnesses in this case have not supported the case of the prosecution, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge