

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4229 of 2016

Dharam S/o Magoli Kothari Aged About 32 Years R/o Magarwah,
P.S. Sahaspur Lohara, District Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Sahaspur
Lohara, District Kabirdham, Chhattisgarh.

---- Respondent

For applicant - Shri Ajay Ayachi, Advocate.
For Respondent/State – Shri Lav Sharma, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

2/08/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.83/2016 registered in Police Station Sahaspur Lohara Dist. Kabirdham (C.G.) for offence punishable under section 34 (2) of Excise Act.
2. As per the prosecution case, on 29/04/2016 on a information received that the applicant is transporting wine 135 bulk liters of liquor was seized.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case, no seizure has been made in person from the applicant and seizure witnesses Ragvendra and Prahlad have been examined and they 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 he is not able to dispute the fact that seizure witnesses Ragvendra and Prahlad have been examined and they have not supported the case of the prosecution.

5. Considering the facts and circumstances of the case and also for the fact that seizure witnesses have not supported the case of the prosecution and applicant is in jail since 29/04/2016, without further observation on the merits, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE