

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1115 of 2016

Mukesh Pradhan S/o. Gurucharan, Aged about 34 years, R/o. Of village Ward No. 15, Mahamaya Para, Mahasamund, Mahasamund District Mahasamund (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through, Station House Officer, Police Station Tumgaon, District Mahasamund (C.G.)

---- Respondent

For Applicant	:-	Mr. Vikash Pradhan, Advocate
For Respondent/ State	:-	Mr. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

24/02/2016

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. 54/2015 registered at Police Station- Tumgaon, District – Mahasamund (C.G.) for the offence punishable under Sections 34(2) of Chhattisgarh Excise Act. The first bail application of the applicant was rejected on merit in M.Cr.C. No. 269/2016 on 20.01.2016.
2. Case of the prosecution, in brief, is that on 06.05.2015 on a secret information received that the applicant was carrying liquor in his vehicle on raid being made 126 bulk liters of liquor was seized from the vehicle and the applicant fled away from the scene.
3. Counsel for the applicant submits that one of the seizure witness namely Keshav Ram Tandan has been examined and he has not

supported the case of the prosecution. He further submits that the applicant is in jail since 06.05.2015, therefore, the applicant may be enlarged on bail.

4. State counsel opposes the prayer for grant of bail and submits that there are as many as 8 witnesses including two seizure witnesses and one seizure witness still remains to be examined.
5. Taking into the fact that the other seizure witness is still to be examined and evaluating the case on merit and only on the basis of statement of one seizure witness, the appreciation of fact in favour of the applicant, can not be justified. Therefore, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge