

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1179 of 2016

- Dileshwar son of Narendra Das Manikpuri Aged About 21 Years R/o Killapara, Ward No. 23, Dongargaon, Tahsil & P.S. Dongargaon, District Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh through Station House Officer, Police Station Gaindatola, District Rajnandgaon, Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Abhishek Sharma, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.02.2016

1. This is third bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 64 of 2015 registered at P.S. Gaindatola, Distt. Rajnandgaon (C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The first bail application was dismissed on 16.11.2015 with liberty to renew the prayer afresh after filing of the charge sheet. The second bail application was dismissed as withdrawn on 25.01.2016 with liberty to repeat the prayer after examination of the seizure witness.
3. As per the prosecution case, when a raid was conducted on 04.10.2015, 18 bulk litres of illicit liquor was seized from the possession of the applicant and other co-accused.
4. Learned counsel for the applicant submits that the seizure witnesses Lekhchand Verma and Dhirpal have been

examined and they have not supported the case of prosecution. He further submits the charge sheet in this case has already been filed and the applicant is in jail since 04.10.2015, therefore, he may be enlarged on bail.

5. Per contra, learned State Counsel opposes the bail application and submits that earlier crime was registered against the applicant vide Crime No.56 of 2015 for the offence punishable u/s 34-A of the Excise Act for keeping only 4.500 bulk litres.
6. Taking into consideration the that the seizure witnesses have been examined and they have not supported the case of prosecution as also the fact that charge sheet in this case has been filed and looking to the period of detention of the applicant as he is stated to be in jail since 04.10.2015 and further taking into quantity of liquor seized from this applicant in earlier crime i.e., only 4.5 bulk litres, this Court is inclined to release him on bail. Accordingly, this application is allowed.
7. 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 trial Court as and when directed by the said Court.
8. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE