

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2765 of 2016

Santosh Singh, S/o. Jagnath Singh, Aged About 36 Years, R/o. Village Torwa, Police Station Dhanapur, District Chandausi (Uttar Pradesh). At Present R/o. Surajpur, P.S., Tahsil & District Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through the Police Station Bishrampur, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Malay Kumar Bhaduri, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/06/2016

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.83/2016 registered at Police Station Bishrampur, District Surajpur (C.G.) for the offence punishable under Section 34(1)(A) & 34(2) of the Chhattisgarh Excise Act (Amended) 2002.
2. As per the prosecution case, on information received on 22.04.2016 the applicant was found to be in possession of illicit liquor i.e. Beer measuring about 101.400 bulk liters and thereby the offence is committed.
3. Learned counsel for the applicant submits that though it is stated that 156 bottles were seized but one bottle was sent for examination and it would be attributed that the entire 156 bottles were having alcohol. It is further submitted that the seizure witness

have not supported the case of the prosecution, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the seizure witness namely Sudama Vishwakarma and Sunil Rana. Perusal of the statement shows that they have not supported the case of the prosecution. Therefore, considering the same, without any observation on merit, this Court is inclined to release the applicant on 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.

Sd/-
(Goutam Bhaduri)
Judge