

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2817 of 2016

1. Dilip, S/o. Namdev Misar, Aged About 40 Years, R/o. Ambedkar Ward, Thana - Kurkheda, Distt. - Gardhchirauli (M.H.).
2. Saligram, S/o. Birju Tulabi, Aged About 30 Years, R/o. Manduli, Thana - Kurkheda, Distt. - Gardhchirauli (M.H.).
3. Sarfaroj Shekh, S/o. Ramjan Shekh, Aged About 26 Years, R/o. Ranapratap Ward, Thana - Kurkheda, Distt. - Gardhchirauli (M.H.).

---- Applicants

Versus

State Of Chhattisgarh, Through : Thana - Somni, District
Rajnandgaon, Chhattisgarh

---- Respondent

For Applicants : Mr. Samir Singh, Advocate

For Respondent : Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.06.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.241/2015, registered at Police Station- Somni, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act.
2. Case of the prosecution, in brief, is that on a raid being made, the applicants who are traveling in a Truck alongwith 1114 bulk liters of liquor were arrested as liquor was seized from their possession.
3. Learned counsel for the applicants would submit that the applicants are in jail since 16.11.2015 and the applicants were labourer in the Truck and the seizure witness namely Kriparam and Gyaneshwar Nishad have not supported the case of the prosecution, as such,

the seizure has not been proved. Therefore, considering the detention of the applicants, they may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the seizure witness have not supported the case of the prosecution.
5. After going through the statement of the seizure witness namely Kriparam and Gyaneshwar Nishad, without any observation on merit, considering the detention of the applicants, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge