

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3305 of 2016

1. Lekhram Nirmalkar S/o Janakram Nirmalkar Aged About 45 Years
R/o Village Dhobikhapri, Police Station Thankhamhariya, Tahsil
Saja, Civil & Revenue District Bemetara Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Excise Department Bemetara,
Civil & Revenue District Bemetara Chhattisgarh

---- Respondent

For Petitioner	Shri R.K. Pali, Advocate
For Respondent/State	Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/07/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.32/2016, registered at Excise Police Bemetara, District Bemetara (C.G.) for the offence punishable under Section 34 (2) (1) & 34 (1) (B) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that on 26-4-2016 a raid being conducted and from the possession of the applicant 12.600 bulk liters of country made liquor was seized. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and seizure witnesses namely; Ram Narayan and Firtu Ram have been examined and they have not supported the case of the prosecution. Certified copies of the statements of the said witnesses are placed on record.
4. On the other hand, learned counsel for the State opposes the bail application, however, she is not able to dispute that the seizure witnesses have not stated anything against the applicant.
5. I have heard learned counsel for the parties.
6. Considering the facts and circumstances of the case and particularly considering the fact that the seizure witnesses namely; Ram Narayan and Firtu Ram have not stated anything against the applicant and also considering the fact that the applicant is in detention since 26-4-2016, without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.
9. Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge