

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3767 of 2016

Shashi Kumar Mahant, S/o. Tiknu Das, Aged About 32 Years, R/o. Village Supa, Police Station Pussore, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Excise Officer, Excise Circle Raigarh South, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Manoj Kumar Jaiswal, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/07/2016

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 Excise Crime No.65/16-17 registered at Police Station- Excise Officer, Excise Circle, Raigarh South, District Raigarh (C.G.) for the offence punishable under Section 34(1)(A), 34(2) and Section 59(A)(1)(2) of Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit country made liquor measuring about 90 bulk liters and he was arrested on 09.06.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case as the seizure witness namely Shrivant Gupta and Shakrajit Gupta have turned hostile and the applicant is in jail since 09.06.2016; therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the seizure witness have turned hostile and they have not supported the case of the prosecution.
5. Considering the fact that the seizure witness have not supported the case of the prosecution and the applicant is in jail since 09.06.2016, 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