

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3749 of 2016

- Dhal Singh Sahu S/o Sunder Ram Sahu Aged About 28 Years R/o Village - Harratola, Police Station - Gendatola, Tahsil - Chhuria, District - Rajnandgaon Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through - Station House Officer, Police Station - Gendatola, District - Rajnandgaon Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Basant Dewangan, Advocate
For the Respondent	:	Mrs. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.07.2016

1. This is first 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. 07/2016 registered at P.S. Gendatola, Distt. Rajnandgaon (C.G) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. As per the prosecution case, when a raid was conducted on 29.03.2016 from the possession of the applicant 103.680 bulk litres of illicit liquor was recovered, thereby the offence is committed.
3. Learned counsel for the applicant submits that two seizure witnesses have been examined namely Kamal Kishore and Chaturdas and they have not supported the case of prosecution which would go to show that the applicant has been falsely implicated in this case. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 29.03.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, she do not dispute the fact that seizure witnesses Kamal Kishore & Chaturdas have not supported the case of prosecution.
5. After going through the statements of seizure witnesses Kamal Kishore and Chaturdas which are placed on record as also the fact that the charge sheet in this case has been filed and the applicant is stated to be in jail since 29.03.2016, without making any observation on the merits of the case, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and 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.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE