

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3789 of 2016

Rupesh @ Rupendra Gwal S/o Mangal Singh Gwal, Aged About 40 Years R/o In Frount Of Tahsil Office, Thana - Kurkheda, Distt. - Gardhchirauli (M.H.).

---- Applicant

Versus

State Of Chhattisgarh Through Thana - Somni, Distt. - Rajnandgaon Chhattisgarh.

---- Respondent

For applicant - Shri Samir Singh, Advocate.
For Respondent/State – Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

19/07/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.241/2015 registered in Police Station Somni, Distt-Rajnandgaon for 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 applicant and other co-accused who were travelling in a truck alongwith 1114 bulk liters of liquor were arrested as liquor was seized from their possession.
3. Learned counsel for the applicant submits that seizure witnesses in this case namely Kriparam and Gyaneshwar have been examined, they have not supported the case of the prosecution and on that basis similarly placed co-accused have been enlarged on bail in M.Cr.C. No.2817/2016 on 16/06/2016 and the case of the present applicant is similar, therefore the applicant may be released on bail.
4. Learned State counsel is not able to dispute the fact that seizure

witnesses have turned hostile.

5. Taking into fact that seizure witnesses have turned hostile, without any observation on merits, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE