

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3834 of 2016

- Rajesh Kumar Singh S/o Ramlakhan Singh Rajput Aged About 41 Years R/o Village - Harina, P.S. Ongra District - Aurangabad (U.P.) Presently R/o Village - Lormi, District - Mungeli Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through : Police Chowki - Chilfi P.S. Lormi, District - Mungeli Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Abhishek Sinha, Advocate
For the Respondent	:	Mr. Lav Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.07.2016

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. 216/2016 registered at P.S. Chilfi, P.S.Lormi, Distt. Mungeli (C.G) for the offence punishable under Sections 34(1)(A), 34(2) & 59(A) of the Excise Act.
2. As per the prosecution case, on 28.05.2016 the police has received an information that illicit liquor was being transported in Bolero Vehicle bearing Regn.No.C.G.11-F/178. On such information when the said vehicle was intercepted by the police 180 bulk litres of liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the liquor was not seized in person from the applicant and the seizures witnesses Bharat Sahu and Suresh Sahu have been examined and they have not supported the case of

prosecution, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that the above two seizure witnesses have not supported the case of prosecution.
5. Perused the statements of seizure witnesses Bharat Sahu and Suresh Sahu which are placed on record. Taking into such statements, without any observation on merits of the case, I am inclined to release the applicant on bail.
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