

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4355 of 2016**

- Goutam Karmkar S/o Gourango Karmkar Aged About 20 Years R/o - Ishwar Nagar, Naharpar, Santoshi Nagar, Post Office - Raipur, Police Station - Tikrapara, Raipur District - Raipur Chhattisgarh --- **Petitioner**

**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station - Tikrapara, District - Raipur Chhattisgarh --- **Respondent**

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| For the applicant  | : | Mr. Shivendu Pandya, Advocate |
| For the Respondent | : | Mr. Vinod Tekam, Panel Lawyer |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**08.08.2016**

1. This is second 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. 84/2016 registered at P.S. Tikrapara, Distt. Raipur (C.G) for the offence punishable under Section 34(2) of the Excise Act.
2. As per the prosecution case, when a raid was conducted by the police, 6.300 bulk litres of illicit liquor was seized from the possession of this applicant.
3. Learned counsel for the applicant submits that this second bail petition. The earlier bail petition was dismissed as withdrawn on 20.06.2016 with liberty to repeat the prayer after examination of the seizure witnesses. It is submitted that now seizure witnesses namely Ajay Mistri and Bhola Bari have been examined and they have not supported the case of prosecution, therefore, the applicant has been falsely implicated in this case.
4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that seizure witnesses have not

supported the case of prosecution.

5. Perused the statements of seizure witnesses Ajay Mistri and Bhola Bari. It appears that they have not supported the case of prosecution.
6. Considering the statements of seizure witnesses wherein the entire prosecution case has been denied as also the fact that the quantity of seized liquor is only 6.300 bulk litres which is alleged to have been seized; offence is triable by the JMFC and further looking to the period of detention of the applicant as he is stated to be in jail since 02.03.2016, I am inclined to release him on bail.
7. 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**