

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4713 of 2016

1. Bhupendra Kumar Behra S/O Rajesh Behra Aged About 32 Years
R/O Village - Rajpur, P.S. & Tah. Lailunga, Distt. Raigarh, Civil &
Revenue Distt. Raigarh Chhattisgarh
2. Amrit Kumar S/O Maniram Manjhi Aged About 25 Years R/O
Village - Hirapur, P.S. & Tah. Lailunga, Distt. Raigarh, Civil &
Revenue Distt. Raigarh Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station - Lailunga, Distt.
Raigarh Chhattisgarh

---- Respondent

For Applicant : Mr. M.K. Sinha, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22-08.2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 30-3-2016 in connection with Crime No. 83 of 2016, registered at Police Station Lailunga, District Raigarh (CG) for the offence punishable under Sections 34(1)(A)(2) and 59(2) of the Chhattisgarh Excise Act. First bail application was dismissed on 22-6-2016 on merit.
2. As per prosecution case, when the applicants were traveling in a car bearing registration No. 13-C/8780 the vehicle was intercepted and on being searched, 142.320 bulk litres of English liquor was recovered from the car.
3. Learned counsel appearing for the applicants would submit that the seizure witnesses namely Chandra Shekhar Behra (PW/1) and Tameshwar Painkra (PW/2) have been examined in this case and

they have not supported the prosecution case, therefore, no case is made out against the applicants. He would further submit that the applicants have been falsely implicated in the case, they are in jail since 30-3-2016, charge-sheet in this case has been filed and no further investigation is required, therefore, they may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the seizure witnesses have not supported the prosecution case.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the seizure witnesses.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of seizure witnesses and also the fact that charge-sheet in this case has been filed and the applicants are in jail since 30-3-2016, this court is inclined to release the applicants on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju