

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4678 of 2016

- Dharmendra S/o Rajkumar Satnami Aged About 24 Years R/o Village Amethi, Thana Suhela, Tahsil & District Balodabazar Chhattisgarh
--- Applicant

Versus

- State of Chhattisgarh through : Police Station Suhela, District Baloda Bazar Chhattisgarh
--- Respondent

For the applicant	: Mr. Krishna Kumar Khatri, Advocate
For the Respondent	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.09.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 86/2016 registered at P.S. Suhela, District Baloda Bazar (C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 113.580 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the seizure witnesses Banslal Manhara and Mankunwar have been examined and they have not supported the case of prosecution, therefore, he has been falsely implicated in this case. He further submits that the applicant is in jail since 07.07.2016 and he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application. However, he do not dispute the fact that both

the above seizure witnesses have not supported the case of prosecution case.

5. Taking into consideration the totality of the circumstances especially the fact that the seizure witnesses have not supported the case of prosecution, offence is triable by the JMFC and the applicant is in jail since 07.07.2016, this Court is inclined to release him on bail. Accordingly, this application is allowed.

6. 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 said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE