

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4913 of 2016

Naresh Dewangan S/o Gopalram Dewangan, Aged About 37 Years,
R/o Village Palandur, Tahsil & Police Station Dongargarh, District
Rajnandgaon Chhattisgarh

----Applicant

Versus

State Of Chhattisgarh Through : District Magistrate, Rajnandgaon,
District - Rajnandgaon Chhattisgarh

---- Respondent

For applicant - Shri Shivendra Bharadwaj, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/09/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.125/2016 registered in Police Station Dongargarh, District-Rajnandgaon (C.G.) for offence punishable under sections 34 (2) of C.G. Excise Act.
2. As per the prosecution case, on 20/03/2016 when the vehicle was intercepted, from the possession of the applicant 141.840 bulk liters of liquor was seized.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case and the seizure witnesses namely Dadu Dhimar and Shiv Prasad have been examined, they have not supported the case of the prosecution, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail, however he is not able to dispute the fact that seizure witnesses namely Dadu Dhimar and Shiv Prasad have not supported the case of the prosecution.
5. Perused the statement of Dadu Dhimar and Shiv Prasad.

Considering their statement as they have not supported the case of the prosecution, 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.

Sd/-

(Goutam Bhaduri)

JUDGE