

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5090 of 2016

Nand Kumar, S/o. Deenuram Sahu, Aged About 25 Years, R/o. Lalbahadur Nagar, Thana Chichola, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh, Through Police Station Chichola, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

31.08.2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.75/2016 registered at Police Station- O.P. Chichola, Thana Churiya, Distt. Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. As per the prosecution case, on 27.04.2016 on a raid being made from the possession of the applicant, total 25.920 bulk liters of English liquor was seized; thereby the offence is committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated as the seizure witness namely Manoj Baghel & Harish Sinha have been examined and they have not supported the case of the prosecution. He further submits that on earlier occasion on 01.07.2016 the first bail application was dismissed with liberty to repeat the same after examination of the

seizure witness and now the seizure witness have been examined and they have not supported the case and therefore no offence is made out against the applicant and, as such, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the seizure witness Manoj Baghel & Harish Sinha have not supported the case of the prosecution.
5. Perused the case diary and the documents. Considering the fact that the seizure witness have not supported the case of the prosecution, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his 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 his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge