

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5143 of 2016

- Santosh Singh S/o Late Kiran Singh Aged About 34 Years R/o Ahirgaon, P.S. Amarpatan, District Satna, Madhya Pradesh. At Present R/o House of Sunil Panda Amlidih, P.S., Tahsil Gharghoda, District Raigarh, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh Through The District Magistrate Raigarh, District Raigarh, Chhattisgarh (Impugned Judgment Police Station Name Not Mentioned) Through The Station House Officer P.S. Gharghoda, District Raigarh, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Manoj Kumar Jaiswal, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.09.2016

1. This is first 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. 74 of 2016 registered at P.S. Gharghoda, Distt. Raigarh (C.G) for the offence punishable under Sections 34(1)(2) & 59(A) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 138.960 bulk litres bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the seizure witnesses Raghuvir Satpathi and Kanu Patnaik have been examined and they have not supported the case of prosecution case, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail

application. However, she is not able to dispute the fact that both the seizure witnesses have not supported the case of prosecution.

5. Taking into consideration the statement of seizure witnesses wherein they have not supported the case of prosecution as also the fact that the offence is triable by the JMFC and the applicant is in jail since 08.03.2016, 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