

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5030 of 2016

Shyamlal, S/o. Hari Lodhi, Aged About 63 Years, R/o. Village Salhewara,
Police Station Gatapar, Tehsil Khairagarh, District Rajnandgaon,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Station Gatapar, District
Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. S.S.Baghel, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/10/2016

1. This is the first 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.27/2016 registered at Police Station- Gatapar, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that on 02.08.2016 on a raid being conducted, the applicant was found to be in possession of 8.280 bulk liters of illicit country made liquor.
3. Learned counsel for the applicant submits that the seizure witness in this case namely Fudukram and Sanatram have been examined and they have not supported the case of the prosecution, which will lead to show that the applicant has been falsely implicated, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the seizure witness have been examined and they have not supported the case of the prosecution.
5. Perused the case diary and the statements. Considering the facts & circumstances of the case and the fact that the seizure witness have not supported the case of the prosecution, 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 furnishing a personal bond for a 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