

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5176 of 2016

1. Anil Kumar, aged about 40 years, S/o. Jhadiram Baghel, R/o. Village- Sitapar, P.S. - Simga, District – Baloda – Bazar – Bhatapara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : S.H.O. - Simga, District -Baloda Bazar- Bhatapara (C.G.)

---- Respondent

For Applicant : Mr. Hemant Gupta, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/09/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.68/2016, registered at Police Station – Simga, District – Baloda – Bazar – Bhatapara (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
2. As per prosecution case, on secrete information received, a raid was conducted on 31.03.2016 and from the possession of the applicant 378 liters illicit liquor was seized. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that seizure witness namely Dashrath Bandhe, Maniram Sahu and Shiv Kumar have

been examined in this case and they have not supported the case of the prosecution. Therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and read out the statement of Sant Ram Sahu (P.W.-4) and would submit that in such circumstances, the applicant may not be released on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of Santram Sahu. Considering his statement it would not be proper for this Court to evaluate the entire evidence in view of the statement of Santram Sahu and it is for the trial Court to adjudicate the same considering the facts and circumstances as exists, therefore, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge