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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5085 of 2016

- Suraj S/o Khuman Kosle Aged About 18 Years R/o Badora, P.S. & Teh. Kawardha, Distt. Kabirdham Chhattisgarh **--- Petitioner**

Versus

- State of Chhattisgarh Through : Station House Officer, Kawardha, Distt. Kabirdham Chhattisgarh **--- Respondent**

For the applicant : Mr. Ajay Ayachi, Advocate
For the Respondent : Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.09.2016

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. 204/2016 registered at P.S. Kawardha, Distt. Kabirdham (C.G) for the offence punishable under Sections 34(2) of the C.G. Excise Act.
2. As per the prosecution case, a raid was conducted by the police on 16.07.2016 upon which 25.200 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant would submit that earlier also the applicant was inculpated in similar nature of case wherein the seizure witnesses Sunil Abas and Hriday were examined and they have not supported the case of prosecution. He placed on record the statements of seizure witnesses of the earlier case and submits that the applicant has been falsely implicated in this case also, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.

5. Perused the case diary and other documents.

6. Considering the facts and circumstances of the case and taking into degree of allegations as also the fact that the charge sheet in this case has been filed and the applicant is in jail since 16.07.2016, I am inclined to allow this bail application.

7. Accordingly, the bail application is allowed and 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 trial Court as and when directed by the said Court.

   C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE

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