

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5282 of 2016

Mukesh Pradhan S/o Gurucharan, Aged About 34 Years, resident of
Ward No. 15 Mahamaya Para, Mahasamund, Thana / Tahsil -
Mahasamund District - Mahasamund Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police
Station - Tumgaon, District - Mahasamund Chhattisgarh

---- Respondent

For applicant - Shri Vikash Pradhan, Advocate.
For Respondent/State – Shri Vinod Tekam, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/09/2016

1. This is the third bail application under Section 439 of Cr.P.C. The first bail application was dismissed on 20/01/2016 vide M.Cr.C. No.42/2016. The second bail application was dismissed on 24/02/2016 vide M.Cr.C. No.1115 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.54/2015 registered in Police Station Tumgaon, District-Mahasamund (C.G.) for offence punishable under section 34(2) of Chhattisgarh Excise Act.
3. As per the prosecution case, on 6/05/2015 on a secret information received that the applicant was carrying liquor in his vehicle on raid being made 126 bulk liters of liquor was seized from the vehicle and the applicant fled away from the scene.
4. Learned counsel for the applicant submits that two seizure witnesses namely Keshav and Vishwanath have been examined and they have not supported case of the prosecution. He submits that since witnesses have not supported the case of the prosecution it indicates that applicant has been falsely implicated. Therefore, learned counsel submits

that the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the case diary and the statement. One of the seizure witness is shown as Jivanlal Bhandari though he is police witness. It is for the trial court to evaluate his statement and whether to accept or not. Prima facie it shows that he has supported case of the prosecution. Considering the same, statement made by learned counsel for the applicant that seizure witnesses have not supported case of the prosecution is not correct. In view of this, I am not inclined to release the applicant on bail.

7. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE