

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5339 of 2016

- Shankar Mandavi S/o Ram Mandavi, Aged About 50 Years R/o Village Gahirabhedi, Police Station Gendatola, District Rajnandgaon, Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through the Police Station Gendatola District Rajnandgaon, Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Shaleen Singh Baghel, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.09.2016

1. This is second 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.23/2016 registered at P.S. Gendatola, Rajnandgaon (C.G) for the offence punishable under Sections 34(2) of IPC.
2. The first bail application was dismissed as withdrawn with liberty to repeat the prayer after examination of the seizure witnesses.
3. As per the prosecution case, when a raid was conducted by the Police on 01.06.2016, 25.200 bulk litres of illegal liquor was seized from the possession of the applicant.
4. Learned counsel for the applicant would submit that the seizure witnesses Amar Singh and Laxmi Das have been examined and they have not supported the case of prosecution and the applicants have been falsely implicated in this case. He further submits that the charge sheet has been filed and the applicant is in jail since 01.06.2016,

therefore, he may be enlarged on bail.

5. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that both the seizure witnesses have not supported the case of prosecution.
6. Perused the case diary and the statements of seizure witnesses.
7. Considering the fact that seizure witnesses Amar Singh and Laxmi Das have not corroborated the factum of seizure in their statements and thereby they have not supported the case of prosecution as also the fact that the charge sheet has been filed and the applicant is stated to be in jail since 01.06.2016, I am inclined to allow this bail application.
8. 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**