

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5354 of 2016

- Neelkanth Sahu S/O Mayaram Sahu Aged About 40 Years R/O Village-Kirwai, Police Station And Post Office-Rajim, District - Gariyaband, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station-Rajim, Dist.-Gariyaband, Chhattisgarh

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14-09-2016

1. This is a second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 1-6-2016 in connection with Crime No. 123 of 2016, registered at Police Station Rajim, District Gariyaband, (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act. Earlier first bail application was dismissed as withdrawn with liberty to revive the same after examination of the seizure witnesses.
2. As per prosecution case, on 1-6-2016 when a raid was conducted by the police party, the applicant was found in possession of illicit liquor measuring about 6.660 liters, the same was seized from him and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the seizure witnesses namely Thakur Ram Sahu (PW/1) and Dhani Ram Sahu (PW/2) have been examined in this case and they have

not supported the prosecution case. He would further submit that applicant has been falsely implicated in the case, he is in jail since 1-6-2016, charge-sheet in this case has been filed and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he did not dispute the fact that the seizure witnesses have not supported the prosecution case.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case and further considering the fact that the seizure witnesses have not supported the prosecution case and also the fact that the charge-sheet in this case has been filed and the applicant is in jail since 1-6-2016, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju