

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5411 of 2016

Nagendra Kumar Bharti, S/o. Pawan Kumar Bharti, aged about 25 years, R/o. Village-Mohara, Out Post Mohara, Police Station – Dongargarh, District – Rajnandgaon (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : the Station House Officer, Out Post – Mohara, P.S. - Dongargarh, District – Rajnandgaon (C.G.)

---- Respondent

For Applicant	:	Mr. S.S. Baghel, Advocate
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

14/09/2016

1. This is the 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 in connection with Crime No.179/2016, registered at Police Station- Dongargarh, Out Post Mohara, District – Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act. The first bail application was dismissed as withdrawn vide order dated 14.07.2016 with liberty to revive the same after examination of the seizure witness.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 118.620 liters and he was arrested on 08.05.2016.
3. Learned counsel for the applicant submits that seizure witnesses namely Panna Lal and Bihari Lal Sahu in this case have been examined and they have not supported the case of the prosecution,

therefore, the applicant has been falsely implicated in this case. Therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that seizure witnesses in this case have not supported the case of the prosecution.
5. Perused the statement of seizure witnesses, Panna Lal and Bihari Lal Sahu, they have not supported the case of the prosecution. Taking into such statement, without any further observation on merits, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge