

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5440 of 2016

- Shivprasad Behara S/o Late Samaru Behara Aged About 48 Years
R/o Village Raikera, P.S. & Tahsil Gharghoda, District Raigarh,
Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through the Station House Officer, Gharghoda,
Civil & Revenue District Raigarh, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Manoj Kumar Jaiswal, Advocate
For the Respondent	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.09.2016

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. 209 of 2016 registered at P.S. Gharghoda, Distt. Raigarh (C.G) for the offence punishable under Sections 34(2) & 59(A) of the C.G. Excise Act.
2. As per the prosecution case, when a raid was conducted by the police 18.860 bulk litres of illicit liquor was seized from the possession of applicant.
3. Learned counsel for the applicant submits that earlier also false allegations have been attributed against this applicant wherein the seizure witnesses namely Jahar Singh and Parmanand Yadav were examined and they have not supported the case of prosecution and thereafter again the applicant has been falsely implicated in this case as the recovery was not made in person from the applicant.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents.

6. Considering the facts and circumstances of the case especially the fact that in earlier case the seizure witnesses have not supported the case of prosecution and looking to the quantity of liquor seized in this case and the applicant is stated to be in jail since 29.07.2016; I am inclined to release the applicants on bail.

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