

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5694 of 2016

1. Lambodar S/o S/O Nehru, Aged About 24 Years R/O Village- Mohda, Post- Amarkot, Police Station And Tahsil- Saraipali, District- Mahasamund Chhattisgarh.
2. Lalit Patel, S/O Hetram Patel, Aged About 22 Years R/O Village- Banipali, Post- Amarkot, Police Station And Tahsil- Saraipali, District- Mahasamund Chhattisgarh.
3. Shyam Lal Sahu, S/O Ratanlal Sahu, Aged About 36 Years R/O Village- Mohda, Post- Amarkot, Police Station And Tahsil- Saraipali, District- Mahasamund Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station- Saraipali, District- Mahasamund Chhattisgarh.

---- Respondent

For Applicants : Mr. Anil Gulati, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21-09-2016

1. This is a second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 22-6-2016 in connection with Crime No. 202 of 2016, registered at Police Station Saraipali, District Mahasamund (CG) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act. Earlier first bail application was dismissed as withdrawn with liberty to renew the prayer after examination of the seizure witnesses on 16-08-2016.
2. As per prosecution case, on 22-6-2016 when a raid was conducted by the police party, the applicants were found in possession of illicit country made liquor measuring about 129.84 liters, the same was seized from them and thereby the aforesaid offence was committed
3. .Learned counsel appearing for the applicants would submit that no seizure was made in person from the applicants, seizure witnesses have been examined namely PW/1 Vicky Kumar and PW/2 Piyush Kumar, but they

have not supported the prosecution case. He would further submit that the applicants have been falsely implicated in the case, they are in jail since 22-6-2016, charge sheet in this case has been filed and no further investigation is required, therefore, they may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of seizure witnesses PW/1 Vicky Kumar and PW/2 Piyush Kumar which would show that they have not supported the prosecution case.
7. Taking into consideration facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the fact that the seizure witnesses have not supported the prosecution case and also the fact that charge-sheet in this case has been filed and the applicants are in jail since 22-06-2016, this Court is inclined to release the applicants on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge

Raju