

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5891 of 2016

- Govind @ Govinda Hinduja S/O Leelaram Aged About 30 Years
R/O Baniyapara, Ratanpur, Thana Ratanpur, Tehsil Kota, District
Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Officer- In - Charge, Police Station
Ratanpur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Mahendra Dubey, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29-09-2016

1. This is the first 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 10-7-2016 in connection with Crime No. 18 of 2016, registered at Police Station Ratanpur, District Bilaspur (CG) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act, 1915.
2. Case of the prosecution case, in brief, is that 117 bulk liters of liquor was seized from the possession of the present applicant.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, charge-sheet has been filed in this case, he is in jail since 10-7-2016 and no further investigation is required. He would further submit that seizure witnesses Rohit and Mohit have been examined in this case and they have not supported the prosecution case. It is further

submitted that case of the present applicant is similar to the case of other co-accused namely Manharan Lal, who has been granted bail vide order dated 1-9-2016 passed by co-ordinate Bench of this Court in M.Cr.C.No. 4401 of 2016, therefore, the applicant may also be released on bail on the ground of parity.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the seizure witnesses Rohit and Mohit have been examined in this case and they have not supported the prosecution case and also the case of the applicant is similar to the case of other co-accused who has been granted bail by co-ordinate Bench of this Court.
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 considering the fact that seizure witness who have examined have not supported the prosecution case and further considering the fact that similarly placed other co-accused has been granted bail, I am 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