

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5904 of 2016

- Mohan Das Baghel S/o Late Gautar Das Baghel Aged About 40 Years
R/o Village Murmunda, Police Station Dongergarh, Civil & Revenue
District Rajnandgaon, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Police Station Dongergarh, District
Rajnandgaon, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Sumit Singh, Advocate
For the Respondent	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.09.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 233 of 2016 registered at P.S. Dongargarh, Distt. Rajnandgaon (C.G) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. As per the prosecution case, on receipt of secret information a raid was conducted by the police on 05.06.2016 and during such raid, 5.400 bulk litres of illicit liquor was recovered from the applicant.
3. Learned counsel for the applicant submits that this is second bail petition. The earlier bail application was dismissed as withdraw with liberty to repeat the same after examination of the seizure witnesses. He refers to the statements of seizure witnesses Raja Goli and Pritesh Sinha annexed with the bail application and would submit that the above seizure witnesses have been examined and they have not supported the case of prosecution, therefore, the applicant has been

falsely implicated in this case and he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he is unable to dispute the fact that both the seizure witnesses have not supported the case of prosecution.
5. Considering the fact that the seizure witnesses have not supported the case of prosecution and the quantity of liquor allegedly seized is only 5.400 bulk litres as also the fact that charge sheet in this case has been filed and the applicant is in jail since 05.06.2016, I am inclined to release the applicants on bail.
6. 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