

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6287 of 2016

- Kanhaiya Jain S/o Shamlal Jain Aged About 25 Years R/o Village Konde Police Station Durgkondal Civil & Revenue District North Bastar Kanker, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through the Police Station Durgkondal, District North Bastar Kanker, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Siddharth Bajpai, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.10.2016

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. 18 of 2016 registered at P.S. Durgkondal, Distt. Kanker (C.G) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. As per the prosecution case on 05.06.2016 certain information was received by the Police that the applicant was selling illicit liquor, on which, a raid was conducted and during such raid, 100.700 bulk litres of illegal liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated as the seizure witnesses namely Dalsu Ram and Dadu Ram have been examined and they have not supported the case of prosecution, therefore, the applicant has been falsely implicated in this case.
4. Per contra, learned State Counsel opposes the bail

application. However, he is unable to dispute the fact that both the seizure witnesses have not supported the case of prosecution.

5. Taking into consideration the fact that the above two seizure witnesses Dalsu Ram and Dadu Ram have denied the case of prosecution as also the fact that the applicant is in jail since 05.06.2016, without any further observation on merits of the case, this Court is inclined to release him on bail. Accordingly, this application is allowed.
6. 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 said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE