

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6262 of 2016

- Rajendra Dewangan S/o Arjun Dewangan, Aged About 37 Years R/o Ward No. 3 Chandan Nagar, Motipur, O. P. Chikhali, District Rajnandgaon, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through the Police Station O. P. Chikhli, District Rajnandgaon, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Shaleen Singh Baghel, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.10.2016

1. This is second 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. 443 of 2016 registered at Police Station O.P. Chikhali, Rajnandgaon Distt. Rajnandgaon (C.G) for the offence punishable under Sections 34 (2) of the C.G. Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 8.640 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the first bail application was dismissed as withdrawn with liberty repeat the same after examination of the seizure witnesses. He submits that now the seizure witnesses namely Uttam Verma and Arun Sahu have been examined and they have not supported the case of prosecution, therefore, the applicant has been falsely implicated.
4. Per contra, learned State Counsel opposes the bail

application. However, he is not able 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 seizure witnesses have denied the case of prosecution and looking to the period of detention as the applicant is stated to be in jail since 26.06.2016, 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

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