

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6260 of 2016

- Radhacharan Chouhan S/o Puniram Chouhan, Aged About 32 Years
Occupation Labourer R/o Chawarpur, Police Station Sarangarh, Civil
And Revenue District Raigarh Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Office, Police Station
Sarangarh, Civil And Revenue District Raigarh Chhattisgarh ---
Respondent

For the applicant	:	Mr. Udho Ram Koshaley, Advocate
For the Respondent	:	Mr. Vivek Singhal, 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. 295 of 2016 registered at P.S. Sarangarh, Distt. Raigarh (C.G) for the offence punishable under Section 34(1)(A)(2), 59(A) of the C.G. Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 10 bulk litres of Mahua liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the earlier bail application was dismissed as withdrawn with liberty to file the same after examination of the seizure witnesses. He submits that now the seizure witnesses namely Hemlal and Dhani 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 the above seizure witnesses have not supported the case of prosecution.
5. Taking into consideration the fact that the above two seizure witnesses have denied the case of prosecution as also the fact that the applicant is in jail since 18.07.2016, 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