

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6429 of 2016

- Indrajay Kumar Singh S/o Kulwant Singh Aged About 22 Years
R/o Village- Basdiha, Police Station- Navinagar, Aurangabad,
Bihar- At Present R/o Milan Chowk, Bhilai, Civil & Revenue
District- Durg, Chhattisgarh. --- **Petitioner**

Versus

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

For the applicant	:	Mr. Sanjay Agrawal, Advocate
For the Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.10.2016

1. This is the 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. 85/2016 registered at P.S. Kanker, Distt. Kanker (C.G) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 146.800 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 Learned counsel for the applicant submits that the earlier bail application was dismissed as withdrawn with liberty to file the same after examination of the seizure witnesses.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 Rajendra Kumar Hichami and Satyanarayan Yadav 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 charge sheet in this case has been filed; applicant is in jail since 27.03.2016 and offence is triable by the JMFC 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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