

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6436 of 2016

- Narayan Singh @ Manoj S/o Shri Jeewan Singh Aged About 30 Years R/o Village Batha, Thana Jarhagaon, Tahsil Mungeli, Revenue District Mungeli, Civil District Bilaspur --- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer Police Station Jarhagaon, District Mungeli --- **Respondent**

For the applicant	:	Mr. Sumit Shrivastava, Advocate
For the Respondent	:	Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.11.2016

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. 171/2016 registered at P.S. Jarhagaon, Distt. Mungeli (C.G) for the offence punishable under Sections 34(1)(A), 34(2), 59(A) of the C.G. Excise Act.
2. The prosecution alleges that on 18.09.2016 certain information was received by the police and when a raid was conducted in the house of the applicant 15 bulk litres of illicit liquor was seized from his possession.
3. Learned counsel for the applicant submits that earlier the applicant was implicated in false case which was registered as Crime No.115/2015 wherein the two seizure witnesses Lav Kumar and Rajkumar have turned hostile and they have not supported the case of prosecution. He further submits that present one also a false case, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he is unable to dispute the fact that in earlier case, the above seizure witnesses have not supported the case of prosecution.
5. Taking into consideration the quantity of liquor recovered in this case and the applicant is in jail since 18.09.2016; offence is trial by the JMFC as also the fact that in earlier case, the seizure witnesses have not supported the case of prosecution; 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