

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6476 of 2016

- Chhabilal Alias Balla S/O Bisambhar Chela Aged About 35 Years R/O Village Pali, Police Station Khallari, Tahsil And District Mahasamund Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Khallari, District Mahasamund Chhattisgarh

---- **Respondent**

For Applicant : Mr. Vikas Pradhan, Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-10-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 2-8-2016 in connection with Crime No. 108 of 2016, registered at Police Station Khallari, District Mahasamuond (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per prosecution case, on 2-8-2016 when a raid was conducted by the police party, the applicant was found in possession of illicit liquor measuring about 122 liters, the same was seized from him and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, seizure witnesses namely Mahesh Ram Gilhare and Ramesh Kumar Tandon have been examined in this case and they have not supported the prosecution case. He would further submit that he is in jail since 2-8-2016, charge-sheet in this case

has been filed and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the seizure witnesses have been examined and they have not supported the prosecution case.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the totality of the circumstances and further considering the fact that the seizure witnesses have not supported the prosecution case, without any observation on the merits of the case, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju