

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6541 of 2016

Kartik Ram Verma, S/o. Late Ramsharan Verma, Aged About 48 Years,
R/o. Village Dhara, Out Post Mohara, Tahsil Dongargarh, District
Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Incharge Out Post Mohara, Police Station
Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.P.Singh, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/10/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.286/2016 registered at Out Post Mohra, Police Station Dongargarh, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act. The earlier bail application was dismissed as withdrawn on 23.08.2016 in MCRC No. 4711 of 2016.
2. Case of the prosecution, in brief, is that on 17.07.2016 on a raid being conducted, the applicant was found to be in possession of 8.100 bulk liters of illicit country made liquor.
3. Learned counsel for the applicant submits that this is the second bail application, the earlier bail application was dismissed as withdrawn with liberty to repeat after examination of the seizure witness. He submits that the seizure witness in this case namely

Abdul Salim & Shivshankar have been examined and they have not supported the case of the prosecution, which will lead to show that the applicant has been falsely implicated, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the seizure witness have been examined and they have not supported the case of the prosecution.
5. Perused the case diary and the statements. Considering the facts & circumstances of the case and the fact that the seizure witness namely Abdul Salim & Shivshankar have been examined and they have not supported the case of the prosecution, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge