

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6569 of 2016

- Pradeep Kumar Sahu S/o Shailendra Sahu, Aged About 35 Years
Caste Sahu, R/o Village Lakhanpur, Tahsil Pondi Uroda, District
Korba, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through the Station House Office, Police Station
Katghora, District Korba, Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Basant Kaiwartya, Advocate
For the Respondent	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.10.2016

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. 162 of 2016 registered at P.S. Katghora, Distt. Korba (C.G) for the offence punishable under Sections 34(1)(A) & 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 14.400 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that earlier bail application was dismissed as withdrawn with liberty to renew the same after examination of the seizure withness. He submits that one of the seizure witnesses Vijay Yadav has been examined and he has not supported the case of prosecution and the other witness Radhe Shyam is not available since he is resident of Benaras (U.P). He further submits that the applicant has been falsely implicated in this case as no seizure was made in person from him. He further

submits that the charge sheet in this case has been filed and the applicant is in jail since 28.05.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he do not dispute the fact that one of the seizure witness has not supported the case of prosecution.
5. Taking into consideration the fact that seizure witness Vijay Yadav has not supported the case of prosecution and the quantity of seized liquor in this case is 14.400 bulk litres; offence is triable by the JMFC and the applicant is in jail since 28.05.2016, 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