

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6669 of 2016

Satnarayan Nirmalkar, S/o. Bodhan Nirmalkar, age about 42 years, Caste-Dhobi, Occupation- Labor, R/o. Village-Jhakharmuda, Thana-Patewa, Tahsil and District – Mahasamund (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Station House Officer, Police Station – Patewa, District – Mahasamund (C.G.)

---- Respondent

For Applicant	:	Mr. Vikash Pradhan, Advocate
For Respondent	:	Mr. Ashutosh Pandey, 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. 78/2016, registered at Police Station- Patewa, District – Mahasamund (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act. The first bail application was dismissed on merit vide order dated 29.06.2016.
2. The prosecution alleges that on a raid being conducted, the applicant was found to be in possession of illicit liquor measuring about 62.280 bulk liters and he was arrested on 07.05.2016.
3. Learned counsel for the applicant submits that seizure witnesses namely Umakant Sahu and Jitendra Sahu have been examined and they have not supported the case of the prosecution and the applicant has been falsely implicated in this case; therefore, the counsel prays

that the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that seizure witnesses in this case have not supported the case of the prosecution.
5. Considering the facts and circumstances of the case and the fact that seizure witness in this case have been examined and they have not supported the case of the prosecution, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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/Remand Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge