

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6719 of 2016

Narayan Punjabi, S/o. Late Kishan Lal Punjabi, Aged About 45 Years, R/o. Ward No.05, Tilda - Nevra, Post Office & Police Station - Tilda-Nevra, Tahsil - Tilda, District – Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station - Tilda - Nevra, District – Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/11/2016

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.227/2016 registered at Police Station- Tilda-Nevra, District Raipur (C.G.) for the offence punishable under Section 34(2) of the Excise Act. The first bail application was dismissed as withdrawn on 03.10.2016 in MCRC No.6046 of 2016.
2. Case of the prosecution, in brief, is that on 10.08.2016 on a raid being conducted, the applicant was found to be in possession of 8.100 bulk liters of illicit 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for the applicant submits that this is the second bail application, the earlier bail application was dismissed as withdrawn with liberty to repeat the same after examination of the seizure witnesses. He further submits that the seizure witnesses in this case namely Pradeep Kamdi and Somesh Kashyap 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 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