

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6835 of 2016

1. Viru Siddhu S/o Nakshatra Singh Aged About 19 Years R/o Samrath Nagar, Nari Road, Nagpur, Maharashtra.
 2. Manmohan Sharma S/o Ramesh Sharma Aged About 26 Years R/o Samrath Nagar, Nari Road, Nagpur, Maharashtra.
- Applicants**

Versus

- State of Chhattisgarh Through The Police Station Kotwali, District Rajnandgaon, Chhattisgarh.
- Respondent**

For the applicants	:	Mr. Shaleen Singh Baghel, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.11.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 438 of 2016 registered at P.S. Kotwali, Rajnandgaon (C.G) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The prosecution alleges that on 25.6.2016 an information was received by the police that illegal liquor was being carried in a truck bearing Regn. No.C.G.04-JC/8571 and on having received such information, the said vehicle was intercepted and on search being made, 6911.040 bulk litres of illegal liquor was seized from the said vehicle and the applicants being driver and helper of the vehicle, they were arrested.
3. Learned counsel for the applicants submits that seizure witnesses namely Sanjay Mishra and Mithlesh Kandara have been examined before the Court and they have not

supported the case of prosecution, therefore, the applicants have been falsely implicated in this case. He further submits that the applicants are in jail since 25.06.2016, therefore, they may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he is unable to dispute the fact that the above seizure witnesses have not supported the case of prosecution.
5. Taking into consideration the fact that the above two seizure witnesses have denied the case of prosecution as also the fact that the applicants are in jail since 25.06.2016, without any further observation on merits of the case, this Court is inclined to release them on bail. Accordingly, this application is allowed.
6. The applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the said Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE