

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7028 of 2016

Tuman Lal, S/o. Sonlal Satnami, Aged About 28 Years, R/o. Village Chaungikhati, Thana- Saja, Police Chauki- Devkar, District- Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Sambhagiya Udan Dasta Abkari Vibhag, Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/11/2016

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.36/2016 registered at Sambhagiya Udan Dasta Abkari Vibhag, Raipur (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution case, on 26.04.2016, on information received, from the possession of the applicant, total 25.350 bulk liters of illicit liquor was seized.
3. Learned counsel for the applicant submits that this is the second bail application, the earlier bail application was dismissed as withdrawn on 20.09.2016 with liberty to revive the same after examination of the seizure witness. He submits that the seizure witnesses namely Pancham & Virendra have been examined and they have not supported the case of the prosecution; therefore,

considering the fact that the applicant has been falsely implicated, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the witnesses wherein they have stated that the seizure was made in his presence, however, exhibited document has been denied. The same fact is to be evaluated by the Trial Court while deciding the case on merit after I.O. is examined. At this stage, taking into the nature of statement, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge