

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7204 of 2016

- Kaliya Soni S/o Gaurango Soni Aged About 22 Years By Caste -
Ghasiya R/o. Ward No. 25 Sweeper Colony Mahasamund, Thana &
Tahsil - Mahasamund, Civil & Revenue District - Mahasamund
Chhattisgarh
--- **Applicant**

Versus

- State of Chhattisgarh Through Excise Officer Excise Circle (City)
Mahasamund, Civil & Revenue District - Mahasamund Chhattisgarh
--- **Respondent**

For the applicant	:	Mr. Sumit Shrivastava, Advocate
For the Respondent	:	Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.11.2016

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. 165/2016 registered at P.S. Excise Circle (City) Mahasamund Distt. Mahasamund (C.G) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police on 23.08.2016, 36 bulk litres of illicit was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the earlier bail application was dismissed as withdrawn on 29.9.2016 with liberty to repeat the same after examination of the seizure witnesses. He submits that now the seizure witnesses namely Mahesh Kumar Sweepar and Santosh Soni have been examined and they have not supported the case of prosecution, therefore, the applicant has been falsely

implicated in this case.

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, without any further observation on merits of the case, 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