

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7134 of 2016**

- Mangal Singh S/o Rajkumar Singh Aged About 22 Years R/o Qtr. No. 584, Sector - 5, Balco Nagar, Tahsil & District Korba Chhattisgarh  
--- Applicant

**Versus**

- State of Chhattisgarh through Station House Officer, Police of Police Station Balco Nagar, District Korba Chhattisgarh  
--- Respondent

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| For the applicant  | : | Mr. Anil Singh Rajput, Advocate |
| For the Respondent | : | Mr. Wasim Miyan, Panel Lawyer.  |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**13.12.2016**

1. This is first 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. 226 of 2016 registered at P.S. Balco Nagar, Korba Distt. Korba (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, 6 bulk litres of illegal liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and no seizure was made in person from him. He further submits that earlier also the applicant was inculpated in Crime No.199/2015 which was registered u/s 34(1)(A) of the Excise Act wherein the seizure witnesses namely Dhani Ram and Sukh Sagar Chouhan have turned hostile and they have not supported

the case of prosecution. He placed on record the statements of seizure witnesses recorded in Criminal case No.2015/15 relating to Crime No.199/2015, therefore, it is submitted that 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 in earlier Crime No.199/2015, the above seizure witnesses have not supported the case of prosecution.
5. Having regard to the facts and circumstances of the case particularly the fact that in earlier case, seizure witnesses have denied the case of prosecution as also looking to the alleged recovery and quantity of liquor i.e., 6 bulk litres, offence triable by the Magistrate and the applicant is in jail since 24.08.2016, 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**