

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7299 of 2016

Manoj Mazumdar S/o Jagdish Mazumdar Aged About 31 Years R/o
Kasansur, Tahsil Etapalli, District Gadhchiroli (Maharashtra)

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Pakhanjur, District North Bastar Kanker Chhattisgarh

---- Respondent

For applicant - Shri Sandeep Shrivastava, Advocate.
For Respondent/State – Shri Wasim Miyan, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/11/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.80/2012 registered in Police Station Pakhanjur, Dist. North Bastar Kanker for offence punishable under section 34 (2) of Excise Act.
2. As per the prosecution case, on 9/09/2012 on an information received that illicit liquor is being transported, while the police was patrolling one car bearing number MH 33 G 802 was found in abandoned condition and in it 1160.76 bulk liters of liquor was seized and from the car licence of the applicant and RC book of the co-accused was seized. Applicant was arrested on 17/05/2016.
3. Learned counsel for the applicant submits that the applicant was not apprehended on the spot and the car was taken by his driver and seizure witnesses in this case namely Arjun Singh Aanchala and Sannu Aanchala have been examined and they have not supported the case of the prosecution, therefore applicant has been falsely implicated in the case and he may be released on bail.
4. Learned State counsel is not able to dispute the fact that seizure

witnesses have not supported the case of the prosecution.

5. Taking into fact that seizure witnesses namely Arjun Singh Aanchala and Sannu Aanchala have not supported the case of the prosecution, without further observation on the merits, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE