

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7415 of 2016

- Darbari @ Master Sahu S/o Shri Ramawtar Sahu Aged About 25 Years R/o Village Chilfi, Police Outpost Chilfi Thana & Tahsil- Lormi, Revenue District Mungeli, Civil District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh through the Station House Officer, Police Outpost- Chilfi, Police Station Lorami, District Mungeli, Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Sumeet Shrivastava, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24.11.2016

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.275 of 2016 registered at P.S. Lormi (out post Chilfi) Distt. Mungeli (C.G) for the offence punishable under Sections 34(1)(A), 34(2), 59(A) of the C.G. Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the police on 16.07.2016, from the possession of the applicant 5.760 bulk litres of illegal liquor was seized.
3. Learned counsel for the applicant submits that the earlier bail application was dismissed as withdrawn on 15.09.2016 with liberty to file the same after examination of the seizure witnesses. He submits that now the seizure witnesses namely Sukhiram and Nakul Sahu 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 both the above seizure witnesses have not supported the case of prosecution.
5. Taking into consideration the fact that the above two seizure witnesses Sukhi Ram and Nakul Sahu have denied the case of prosecution and looking to the period of detention of the applicant as he is stated to be in jail since 17.07.2016, 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