

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7417 of 2016

Jhunau Ram Nirmalkar, S/o. Pardeshi Nirmalkar, Aged About 45 Years,
R/o.Village Sargaon, Police Station Dhamdha, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vivek Verma, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/11/2016

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.185/2016 registered at Police Station- Dhamdha, District Durg (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that on a raid being made on 07.06.2016 from the possession of the applicant, 10.8 bulk liters liquor was seized.
3. Learned counsel for the applicant submits that this is the second bail application, the earlier bail application was dismissed on 19.07.2016 and thereafter the seizure witness namely Mangal Singh & Vishal Tiwari have been examined and they have not supported the case of the prosecution, which shows that the applicant has been falsely implicated in this case only because of

the fact that he has criminal antecedents, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the seizure witness have been examined and they have not supported the case of the prosecution.
5. Perused the case diary and the documents. Considering the facts & circumstances of the case and the fact that the seizure witness have been examined and they have not supported the case of the prosecution, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge