

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7390 of 2016

- Ajay Kumar Bhoi S/o Tulsiram, Aged About 32 Years Cast - Kahar, R/o Mahamaipara Mahasamund, Police Station - Mahasamund, Tahsil And District Mahasamund Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through Excise Officer Of Excise Circle - Mahasamund, District Mahasamund Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Vikash Pradhan, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24.11.2016

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. 202/2016 registered at P.S. Excise Circle, 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 16.09.2016 from the possession of the applicant. 180 bulk litres of illegal liquor was seized.
3. Learned counsel for the applicant submits that submits that now the seizure witnesses namely Chhotu Bai and Santosh Kumar Yadav have been examined and they have not supported the case of prosecution, therefore, the applicant has been falsely implicated in this case and he may be enlarged on bail.
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 seizure witnesses Chhotu Bai and Santosh Kumar Yadav 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