

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7450 of 2016

Kunjram, S/o. Dhaneshram, Aged About 36 Years, Caste Satnami, R/o. Village Gorba, Police Station Bilaigarh, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Office, Police Station Bilaigarh, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. S.K.Guha, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/11/2016

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.233/2016 registered at Police Station- Bilaigarh, District Balodabazar-Bhatapara (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 27.07.2016, on a raid being conducted, from the possession of the applicant, 7.20 bulk liters of country made liquor was seized.
3. Learned counsel for the applicant submits that this is the second bail application, the earlier bail application was dismissed as withdrawn on 31.08.2016 in MCRC No.5060 of 2016 with liberty to file afresh after seizure witnesses are examined and thereafter the seizure witnesses namely Rambha Tandon & Samarin 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; 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 witnesses 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 witnesses 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