

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7576 of 2016

- Potram S/o Ghasiyaram Aged About 66 Years R/o Village Rudukela
Police Station & Tahsil Lailunga District Raigarh Chhattisgarh Civil &
Revenue District Raigarh Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through Thana In Charge Lailunga, District
Raigarh Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Shaleen Singh Baghel, Advocate
For the Respondent	:	Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.11.2016

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. 218/2016 registered at P.S. Lailunga Distt. Raigarh (C.G) for the offence punishable under Section 34(1)(A)(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police , 9 bulk litres of Mahua liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the earlier bail application was dismissed as withdrawn on 08.09.2016 with liberty to file the same after examination of the seizure witnesses. He submits that now the seizure witnesses namely Nehrual and Panchram 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 the above seizure witnesses have not supported the case of prosecution.
5. Taking into consideration the fact that both the seizure witnesses Nehrual and Panchram have denied the case of prosecution as also the fact that the charge sheet has been filed and the applicant is in jail since 23.07.2016, 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