

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.No. 7903 of 2016

Baldau, son of Aaju Ram Sen, aged about 43 years, r/o village
Pachbhaiya, Police Station Dadhi, District Bemetara (C.G) ...

Applicant

Versus

State of Chhattisgarh through Police Station Dadhi, District Bemetara
(C.G) ... **Respondent**

For the applicant	:	Mr. Anil Gulati, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.12.2016

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.163/2016 registered at P.S. Dadhi, Distt. Bemetara (C.G) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. As per the prosecution case, on 06.09.2016 when a raid was conducted by the Police, 5.400 bulk litres of illicit liquor was recovered from the possession of the applicant, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the first bail application was dismissed as withdrawn on 24.10.2016 with liberty to repeat the same after examination of the seizure witness and now the seizure witnesses namely Sesh Narayan Pandey and Sitaram have been examined and they have not supported the case of prosecution, therefore, the applicant has been falsely implicated. He further submits

that the charge sheet has been filed and the applicant is in jail since 06.09.2016, therefore, he may be released on bail.

4. Per contra, learned State Counsel opposes the bail.

However, he is unable to dispute the fact that both the above seizure witnesses have not supported the case of prosecution.

5. Considering the facts and circumstances of the case especially the facts that the seizure witnesses have denied the case of prosecution; charge sheet has been filed; offence is triable by the JMFC; applicant is in jail since 06.09.2016 and further looking to the quantity of liquor that is only 5.400 bulk litres, I am inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and 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 trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**