

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8114 of 2016

- Ram Sevak S/o Siyaram Lodhi Aged About 39 Years R/o Village Kukurmuda, Police Station & Tahsil Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Excise Circle, Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Abhishek Sharma Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-12-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 23-10-2016 in connection with Crime No. 243 of 2016, registered at Police Station Excise Circle, Khairagarh, District Rajnandgaon (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per prosecution case, on 22-10-2016 when a raid was conducted by the police party, the applicant was found in possession of illicit liquor measuring about 26.100 liters, the same was seized from him and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, seizure witnesses namely Dorelal and Harprasad have been examined and they have not supported the prosecution case. He would further submit that charge-sheet has been

filed, the applicant is in jail since 22-10-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the seizure witnesses have been examined and they have not supported the prosecution case.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the seizure witnesses Dorelal and Harprasad, which is taken on record, which would show that they have not supported the prosecution case.
7. Considering the facts and circumstances of the case and further considering the statements of the seizure witnesses, the also the fact that charge-sheet in this case has been filed and the applicant is in jail since 22-10-2016, this court is inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju