

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8212 of 2016

Rajkumar @ Vicky, S/o. Upendra Yadav, Aged About 23 Years, R/o. Hasan Bazar, District Aara (Bihar), At Present Lamkeni, Police Station Basna, Civil & Revenue District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through: Police Station Officer, Police Station-Basna, District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. R.K.Bhagat, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2016

1. This is the fourth 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.125/2016 registered at Police Station- Basna, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. As per the prosecution case, on 19.05.2016, on a raid being conducted, from the possession of the present applicant, 19.440 bulk liters of illicit liquor was seized.
3. Learned counsel for the applicant submits that this is the fourth bail application, the first bail application was dismissed as withdrawn on 25.07.2016 with liberty to revive the same after examination of the seizure witness, the second bail application was dismissed for want of prosecution on 21.09.2016 and the third bail application was again dismissed on 24.10.2016 on the ground

that the seizure witness are not yet been examined. He further submits that now the seizure witnesses namely Sukhram Sharma and Vishal Sidar have been examined and they have not supported the case of the prosecution, which shows that the applicant has been falsely implicated, therefore, he 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