

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 10 of 2017

Babulal, S/o. Bharosha Lodhi, aged about 65 years, R/o. Vicharpur, Tahsil – Chhuikhadan, District – Rajnandgaon (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Station House Officer, Police Station – Chhuikhadan, District Rajnandgaon (C.G.).

---- Respondent

For Applicant	:	Mr. Abhisek Sharma, Advocate
For Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

16/01/2017

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 in connection with Crime No.290/2016, registered at Police Station- Chhuikhadan, District – Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per prosecution case on 20.11.2016 on a raid being conducted from the possession of the applicant, 7.200 bulk liters liquor was seized. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that seizure witnesses in this case namely Bhanu Pratap and Jeevan Verma have been examined and they have not supported the case of the prosecution. Therefore, the counsel prays that the applicant may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that seizure witnesses in this case have

been examined and they have not supported the case of the prosecution.

5. Considering the facts and circumstances of this case and further taking into the fact that seizure witnesses in this case have been examined and they have not supported the case of the prosecution and the applicant is in jail since 20.11.2016, this Court is 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge