

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 223 of 2017

Satish @ Chhotu Yadav, S/o. Badri Yadav, Aged About 23 Years, R/o. Risaipara, Near Nehru School, Dhamtari, Tahsil & District- Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Police Station City Kotwali, Dhamtari, District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Mr. Kunal Das, Advocate

For Respondent : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/02/2017

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.492/2016 registered at Police Station- City Kotwali, Dhamtari, District Dhamtari (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
2. As per the prosecution case, on a raid being conducted on 18.12.2016, from the possession of the present applicant, total 27 bulk liters of illicit country made liquor was seized.
3. Learned counsel for the applicant would submit that the seizure witnesses namely Piyush Gandhi & Atul Bharti have been examined and they have not supported the case of the prosecution; therefore, considering the fact that the applicant has been falsely implicated in this case, 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 statements. 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