

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 351 of 2017

Rakesh Nishad, S/o. Daulal Nishad, Aged About 24 Years, Occupation- Labor, R/o. Village- Bemcha, Thana & Tahsil- Mahasamund, District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station- City Kotwali, Mahasamund, District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

31/01/2017

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.410/2016 registered at Police Station- City Kotwali, Mahasamund, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution case, on information received on 21.12.2016, on a raid being conducted, from the possession of the present applicant who was traveling in the vehicle bearing No.C.G. 04 LD 6421, total 387 bulk liters of illicit country made liquor was seized.
3. Learned counsel for the applicant would submit that the seizure witnesses namely Rajesh Singh and Bhauram 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