

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 604 of 2017

- Panna Lal S/o Shri Shyam Lal Sonkar Aged About 30 Years R/o Camp No. 1, Ward No.-21, Adarshnagar, Bhilai, Police Station- Chhawani, Civil & Revenue District- Durg, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station- Kharora, Civil & Revenue District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Parasmani Shriwas, Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06-02-2017

1. This is 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 22-8-2016 in connection with Crime No. 275 of 2016, registered at Police Station Kharora, District Raipur (CG) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
2. As per prosecution case on 22-8-2016 on information receiving that the applicant was carrying contraband, the vehicle Tata Sumo bearing registration No. CG 04 F 9906 was intercepted and from the possession of the present applicant total 140.84 bulk liters of country made liquor was seized.
3. Learned counsel appearing for the applicant would submit that seizure witnesses namely PW/1 Rupesh Kuamr Verma and PW/2 Ajay Kumar have been examined in this case and they have not supported the prosecution case. He would further submit that the case of the present applicant is similar to that of other co-accused Ankhith Meshram who has been enlarged

on bail vide order dated 23-1-2017 passed by this Court in M.Cr.C.No. 8536 of 2016, therefore, he may also be released on bail on the ground of parity.

4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that seizure witnesses have been examined and they have not supported the prosecution case and the case of the present applicant is similar to that of other co-accused who has been enlarged on bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of seizure witnesses PW/1 Rupesh Kumar Verma and PW/2 Ajay Kumar which would show that they have not supported the prosecution case.
7. Taking into consideration facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that the seizure witnesses have not supported the prosecution case, charge-sheet in this case has been filed and the applicant is in jail since 22-8-2016 and also the fact that similarly placed other co-accused has been enlarged on bail, I am 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