

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 691 of 2017

Suresh Alias Suresh S/o Dinbandhu Chandrakar, Aged About 33
Years R/o Village Bemcha, Thana And 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 - Shri Vikash Pradhan, Advocate.
For Respondent/State –Ms. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

13/02/2017

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.410/2016 registered in Police Station City Kotwali Mahasamund, District Mahasamund (C.G.) for offence punishable under section 34 (2) of Chhattisgarh Excise Act.
2. As per the prosecution case, on an information received on 28/09/2016, on a raid being conducted, from the possession of the applicant and other co-accused 387 bulk liters of illicit liquor was seized.
3. Learned counsel for the applicant submits that seizure witnesses in this case have been examined and though the applicant was not before the court but he has accepted the statement of seizure witnesses and on that ground two co-accused Munna and Rakesh Nishad have been enlarged on bail, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Admittedly, it appears the applicant was not before the court, he was absconding when seizure witnesses were examined. Subsequently,

the seizure witnesses have turned hostile, applicant has surrendered and tried to claim bail on the ground of parity with other co-accused who have been enlarged on bail. If this act of the applicant is encouraged, it will lead to laying down wrong precedent. Taking into fact that the applicant was absconding on the date seizure witnesses were examined and also considering the conduct of the applicant, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE