

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1107 of 2017

Rafiq Khan, S/o. Abdul Azeez, Aged About 50 Years, R/o. Village Narayangarh, Chichola, Tehsil Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Police Station Out Post Chichola, Police Station Chhuriya, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. S.S.Baghel, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02.03.2017

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.13/2017 registered at Out Post- Chichola, Police Station- Chhuriya, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution case, on 24.01.2017 on a raid being conducted, from the possession of the applicant alongwith other co-accused total 25.920 bulk liters of illicit liquor was seized. Initially the applicant fled away and subsequently he surrendered on 01.02.2017.
3. Learned counsel for the applicant submits that the seizure witness in this case namely Siyaram and Saroj Kumar 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 witness have been examined and they have not supported the case of the prosecution.
5. Considering the quantity of the liquor seized i.e. 25.920 bulk liters and further considering the fact that the seizure witness 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