

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1225 of 2017

1. Kamal Vaishnav S/o Mohar Das Vaishnav Aged About 35 Years R/o Nadiya, Police Station Dongargaon, District Rajnandgaon, Chhattisgarh.
2. Hitesh Sahu S/o Hithram Sahu Aged About 24 Years R/o Khamtarai, Police Station Devri , Outpost Pinkapar , District Balod, Chhattisgarh.

--- Applicants

Versus

- State of Chhattisgarh through Station House Officer, Outpost Pinkapar, Police Station Devri, District- Balod, Chhattisgarh. ---

Respondent

For the applicant	:	Mr. Anil Gulati, Advocate
For the Respondent	:	Mr. N.K. Mehta, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.03.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 11/2017 registered at Police Outpost Pinkapar, Police Station Devri, District Balod (C.G) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. As per the prosecution case, on a raid being conducted on 03.02.2017 from the possession of applicants 14.580 bulk litres of illicit liquor was seized.
3. Learned counsel for the applicant prays for withdrawal of the bail application of applicant No.2 Hitesh Sahu with liberty to repeat the same after examination of the seizure witnesses. Accordingly, the bail application of applicant no.2 is dismissed as withdrawn with the aforesaid liberty.

4. However, in respect of Applicant No.1 Kamal Vaishnav it is submitted that he has been falsely implicated and no seizure was made from him.
5. Per contra, learned State Counsel opposes the bail. However, he submits that no past antecedents have been reported as against Applicant No.1.
6. Considering the facts and circumstances of the case, I am inclined to release applicant No.1 on bail.
7. Accordingly, the bail application of applicant No.1 Kamal Vaishnav is allowed and he is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**