

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. No. 4650 of 2017**

Surendra Singh Saluja S/o Devendra Singh Saluja, aged about 36 years, R/o Civil Line, Manendragarh, Police Station Manendragarh, Civil & Revenue District Koriya, Chhattisgarh.

**---- Applicant****Versus**

State of Chhattisgarh through Police Station Manendragarh, Civil & Revenue District Korea, Chhattisgarh.

**---- Respondent****M. Cr. C. No. 5552 of 2017**

Ganpat Kewat S/o Narottam Kewat, aged about 23 years, R/o Village Vivekanand College, Manendragarh, Police Station & Tehsil Manendragarh, Civil & Revenue District Koriya, Chhattisgarh.

**---- Applicant****Vs**

State of Chhattisgarh through Police Station Manendragarh, Civil & Revenue District Koriya, Chhattisgarh.

**---- Respondent**


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| For Applicants       | : | Shri Adil Minhaj, Advocate      |
| For Respondent/State | : | Shri Anant Bajpai, Panel Lawyer |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****06/10/2017**

These are the first applications filed u/s 439 of Cr.P.C. for grant of bail to the applicants who are in jail since 06.06.2017 in connection with Crime No. 180/2017 registered at Police Station Manendragarh, District Koriya (CG) for the offence punishable under Section 34(2) of Excise Act.

2. Case of the prosecution in brief is that on 06.06.2017, the present applicants were found to be in possession of 328.32 liters illicit foreign liquor.

3. Counsel for the applicants submits that during the course of trial, the material witnesses i.e. the seizure witnesses examined before the Court below have not supported the case of the prosecution and have turned hostile. He submits that in the light of the seizure witnesses turning hostile, there is no possibility of the applicants being convicted. He further submits that both the applicants have already remained in jail for more than four months and prays for release of the applicants on bail.

4. State counsel opposes the bail applications on the ground of the quantity of liquor seized from the possession of the applicants. He however does not dispute the fact that the material witnesses have not supported the case of the prosecution.

5. Considering the total facts and circumstances of the case particularly the fact that the seizure witnesses have not supported the case of the prosecution, this Court is of the opinion that prima facie a strong case for grant of bail has been made out.

6. Accordingly, the applications for grant of bail in M.Cr.C Nos. 4650/17 and 5552/17 are allowed. It is directed that the Applicants namely Surendra Singh Saluja and Ganpat Kewat will be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed.

**Sd/-  
(P. Sam Koshy)  
JUDGE**