

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 8181 of 2016**

Dhalu Ram Sahu, S/o. Sundu Ram Sahu, Aged About 28 Years, R/o. Village Harratola, Police Station Gendatola, Tehsil Chhuria, District Rajnandgaon, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through The Police Station Gendatola, District Rajnandgaon, Chhattisgarh.

**---- Respondent**

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

For Respondent : Mr. Wasim Miyan, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**16/01/2017**

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.64/2016 registered at Police Station- Gendatola, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that on a raid being conducted on 15.11.2016, from the possession of the present applicant, 16.020 bulk liters of illicit liquor was seized.
3. Learned counsel for the applicant would submit that earlier also the applicant has been falsely inculpated in the like nature of case wherein he has been acquitted by the order dated 14.03.2016, certified copy of which is enclosed with the bail application and the other case which was registered in Crime No.7/2016 two witnesses namely Kamal Kishore and Chatur Das have been

examined and they have not supported the case of the prosecution; therefore, the applicant 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 in one case the applicant is acquitted and in another case of like nature, the seizure witness have not supported the case of the prosecution.
5. Perused the case diary, acquittal order dated 14.03.2016 and statement of the seizure witness. Considering the facts and circumstances of the case, quantity of the seized liquor and the fact that in earlier case the applicant has been acquitted and in another case the seizure witnesses have not supported the case, 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