

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8371 of 2016

- Bhurwa Ram Gond S/o Ramratan Gond Aged About 50 Years R/o Village Bhaisamuda, Police Station Gidhouri, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gidhouri District Baloda Bazar- Bhatapara, Chhattisgarh.

---- **Respondent**

For Applicant : Mrs. Anasuya Rajput, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03-01-2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 10-10-2016 in connection with Crime No. 189 of 2016, registered at Police Station Gidhouri, District Baloda Bazar -Bhatapara (CG) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act. Earlier first bail application was dismissed as withdrawn with liberty to renew the prayer after examination of the seizure witnesses on 7-11-2016.
2. As per prosecution case, when a raid was conducted by the police party, the applicant was found in possession of illicit liquor measuring about 10 liters, the same was seized from him and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that no seizure was made in person from the applicant seizure witnesses have been examined namely PW/1 Parmeshwar Das and PW/2 Birbal and they have

not supported the prosecution case. He would further submit that the applicant has been falsely implicated in the case, he is in jail since 10-10-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that seizure witnesses have been examined and they have not supported the prosecution case.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of seizure witnesses PW/1 Parmeshwar Das and PW/2 Birbal which would show that they have not supported the prosecution case.
7. Taking into consideration facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that the seizure witnesses have not supported the prosecution case and also the fact that the applicant is in jail since 10-10-2016, this court is inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju