

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 87 of 2017

- Gulal Dhruw S/o Mukhiyar Dhruw, Aged About 60 Years Occupation- Labor, R/o Village- Pataimata, Police Station- Patewa, Tahsil And District- Mahasamund Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Patewa, District- Mahasamund Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikas Pradhan, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23-01-2017

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 on 28-8-2016 in connection with Crime No. 148 of 2016, registered at Police Station Patewa, District Mahasamund (CG) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. As per prosecution case, on information being received, a raid was conducted by the police party, the applicant was found in possession of illicit liquor measuring about 54 liters, the same was seized from him and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the seizure witnesses Jitendra Sahu (PW/1) and Ajay Sahu (PW/2) have examined in this case 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 28-8-2016 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 the seizure witness 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. Taking into consideration all the facts and circumstances of the case 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 28-8-2016, I am inclined to release the applicant on bail.
7. 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