

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8597 of 2016

- Grahan Das S/o Shri Laharu Banjare Aged About 55 Years R/o Village Indira Colony Kasdol, Police Station Kasdol, District Balodabazar- Bhatapara, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Office, Police Station Kasdol, District Balodabazar- Bhatapara, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Anil Gulati, Advocate
For the Respondent	:	Mr. Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.01.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 491/2016 registered at P.S. Kasdol, Distt. Balodabazar-Bhatapara (C.G) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, from the possession of the applicant 6.660 bulk litres of illicit liquor was recovered.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and earlier also the applicant was inculpated in the like nature of case which was registered as Crime No.457 of 2016 wherein the seizure witnesses namely Manglu and Sunder have been examined and they have not supported the case of prosecution. He further submits that in the instant case also, similar nature

of allegations have been levelled against the applicant to falsely implicate him, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he is not able to dispute the fact that in earlier case the seizure witnesses have not supported the case of prosecution.
5. Taking into consideration the fact that quantity of liquor seized in this case is only 6.660 bulk litres; offence is triable by the JMFC; applicant is in jail since 09.12.2016 and in earlier case both the seizure witnesses have denied the case of prosecution, this Court is inclined to release him on bail. Accordingly, this application is allowed.
6. The applicant is directed to be released on bail on his 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. He shall also appear before the said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE