

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8653 of 2016

1. Sukhram, S/o. Shriram Gond, Aged About 26 Years.
2. Shiv Kumar, S/o. Dharam Gond, Aged About 20 Years.

Both are R/o. Village Sabariya Dera (Hasua), Baloda, Police Station
Gidhori, Tahsil Kasdol, Distt. Balodabazar-Bhatapara, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through The Station House Office, Police
Station Gidhori, Distt. Balodabazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicants : Mr. Anil Gulati, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

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 applicants who have been arrested in connection with Crime No.245/2016 registered at Police Station- Gidhori, District Balodabazar-Bhatapara (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 17.12.2016, from the possession of the present applicants, 15 bulk liters of illicit country made liquor was seized.
3. Learned counsel for the applicants would submit that against the applicant No.1, another case under Crime No.8/2015 was registered wherein the seizure witnesses namely Ashwani and Birbal have been examined and they have not supported the case of the prosecution. He placed on record the copy of deposition and

FIR. He further submits that no case of like nature is registered against the applicant No.2; therefore, taking into such facts, the applicants 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 a case under Crime No.8/2015, the seizure witness have been examined and they have not supported the case of the prosecution.
5. Perused the case diary and the documents. Considering the fact that in earlier case against the applicant No.1 under Crime No.8/2015, the seizure witness have not supported the case of the prosecution and further taking into the quantity of the seized liquor and the fact that the applicants are in jail since 17.12.2016, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge