

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8556 of 2016

- Beero Bai W/o Late Karnail Singh, Aged About 45 Years R/o Vrinda Nagar, Camp Number 1, Bhilai, Tehsil & District Durg & Civil & Revenue District Durg, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The District Magistrate, Durg, District Durg, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Goutam Khetrapal, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11-01-2017

1. This is a 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. 247 of 2016, registered at Police Station Excise Circle, Bhilai, Circle No.4 District Durg (CG) for the offence punishable under Section 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 Earlier first bail application was dismissed as withdrawn with liberty to renew the prayer after examination of the seizure witnesses on 28-11-2016.
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 27 liters, the same was seized from her 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 Ranjit Verma and PW/2 Balvinder Singh and they

have not supported the prosecution case. He would further submit that the applicant has been falsely implicated in the case, she is in jail since 10-10-2016, charge-sheet in this case has been filed and no further investigation is required, therefore, she 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 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 Ranjit Verma and PW/2 Balvinder Singh wherein 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 charge-sheet in this case has been filed and 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 her 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 her appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju