

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8483 of 2016

- Dinesh Verma S/o Shri Narhar Verma Aged About 35 Years R/o Village Dilapahri, Thana- Lalbag, Tahsil/ District- Rajnandgaon, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Thana Lalbag, District Rajnandgaon, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Samir Singh Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09-01-2017

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 23-09-2016 in connection with Crime No. 236 of 2016, registered at Police Station Lalbag, District Rajnandgaon (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act. Earlier first bail application was dismissed on 4-11-2016 with liberty to repeat the bail application after examination of the seizure witnesses.
2. As per prosecution case, on 23-9-2016 on being information received that the applicant was in possession of illicit liquor and he was ready to sell the same, a raid was conducted by the police party, the applicant was found in possession of illicit liquor measuring about 18 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 applicant has been falsely implicated in the case, seizure witnesses namely Madhusudhan Khare and Laxman Sahu have been examined and they

have not supported the prosecution case, 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 witnesses have been examined in this case 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 been examined and they have not supported prosecution case, 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