

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8536 of 2016

Ankit Meshram, S/o. Vijay Meshram, Aged About 22 Years, R/o. On way of Supela - 5, Bhilai, Police Station- Supela, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through it's Police Station- Kharora, Civil & Revenue District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.L.Sahu, Advocate

For Respondent : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/01/2017

1. This is the 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 in connection with Crime No.275/2016 registered at Police Station- Kharora, Civil & Revenue District Raipur (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. As per the prosecution case, on 22.08.2016, on information received that the applicant was carrying contraband, the vehicle Tata Sumo bearing No.C.G.04 F 9906 was intercepted and from the possession of the present applicant, total 140.84 bulk liters of country made liquor was seized.
3. Learned counsel for the applicant would submit that this is the second bail application, the earlier bail application was dismissed as withdrawn on 07.11.2016 with liberty to repeat the same after examination of the seizure witnesses. He further submits now the seizure witnesses namely Supet Kumar and Ajay Kumar have

been examined and they have not supported the case of the prosecution; therefore, considering the fact that the applicant has been falsely implicated in this case, he 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 the seizure witnesses have been examined and they have not supported the case of the prosecution.
5. Perused the case diary and the statements. Considering the facts & circumstances of the case and the fact that the seizure witnesses have been examined and they have not supported the case of the prosecution, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge