

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 81 of 2017

Raku @ Rakesh Bakshi, S/o. Late Shri Ratan Bakshi, Aged About 52 Years, R/o. Gitti Khadan, Near Kushalpur, Post Office Raipur, Police Station Purani Basti, Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Purani Basti, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/01/2017

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.353/2016 registered at Police Station- Purani Basti, District Raipur (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. As per the prosecution case, on information received on 27.09.2016, on a raid being conducted, from the possession of the present applicant, 6.300 bulk liters of illicit 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for the applicant would submit that this is the second bail application, the earlier bail application was dismissed as withdrawn on 09.11.2016 with liberty to repeat the same after examination of the seizure witnesses. He further submits now the seizure witnesses namely Baban Dubey and Santosh Sen 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