

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 287 of 2017

Munna @ Santosh Kahar, S/o. Ambalal Bhoi, Aged About 39 Years, R/o. Village Bemcha, Police Station & Tahsil & District Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- City Kotwali, Mahasamund, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate

For Respondent : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30/01/2017

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.410/2016 registered at Police Station- City Kotwali, Mahasamund (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution case, on information received on 28.09.2016, on a raid being conducted, from the possession of the present applicant, total 387 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for the applicant would submit that this is the second bail application, the earlier bail application was dismissed as withdrawn on 17.11.2016 with liberty to repeat the same after examination of the seizure witnesses. He further submits now the seizure witnesses namely Rajesh Singh and Bhauram 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