

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 385 of 2017

Rajendra, S/o. Jugaru, Aged About 48 Years, Caste- Satnami, R/o. Tilda,
Police Station- Kasdol, District- Balodabazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- The Station House Officer, Out Post-
Lawan, Police Station- Kasdol, District Balodabazar- Bhatapara,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Yogesh Kumar Chandra, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/02/2017

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.387/2016 registered at Out Post- Lawan, Police Station- Kasdol, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. As per the prosecution case, on a raid being conducted on 09.10.2016, from the possession of the present applicant, total 14.94 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for the applicant would submit that this is the second bail application, the earlier bail application was dismissed as withdrawn on 16.11.2016 with liberty to file afresh after examination of the seizure witnesses. He further submits now the seizure witnesses namely Gajendra Kumar Sahu and Surendra 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, she 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