

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 407 of 2017

- Ajay Kumar S/o Darbar Singh Yadav, Aged About 26 Years R/o Village- Bazar Para, Bundeli, Thana- Tendukona, Tahsiul- Pithora And District- Mahasamund Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through- Station House Officer, Chowki- Bundeli, Police Station- Tendukona, District- Mahasamund Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Vikash Pradhan, Advocate
For the Respondent	:	Mr. Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.02.2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 106/2016 registered at P.S. (Chowki Bundeli) Tendukona, Distt. Mahasamund (C.G) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 23.580 bulk litres of countrymade liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the earlier bail application was dismissed as withdrawn on 25.10.2016 with liberty to file the same after examination of the seizure witnesses. He submits that now the seizure witnesses namely Tarkesh Dadsena and Chatur Singh Diwan have been examined and they have not supported the case of prosecution, therefore, the applicant has been falsely

implicated in this case.

4. Per contra, learned State Counsel opposes the bail application. However, he is unable to dispute the fact that the above seizure witnesses have not supported the case of prosecution.
5. Taking into consideration the fact that both the seizure witnesses have denied the entire case of prosecution as also the fact that the applicant is in jail since 07.09.2016 without any further observation on merits of the case, this Court is inclined to release him on bail. Accordingly, this application is allowed.
6. The applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE