

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 410 of 2017

- Tihari S/o Ghunhu Sonkar, Aged About 46 Years R/o Village- Sighanpuri, Outpost- Fasterpur, Police Station- Mungeli, Tehsil- Lormi, District- Mungeli Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through- Officer In Charge, Police Station- City Kotwali, Mungeli, (Via- Outpost Fasterpur), District- Mungeli Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Mahendra Dubey, 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.552/2016 registered at P.S. City Kotwali, Mungeli (via Outpost Fasterpur) Distt. Mungeli (C.G) for the offence punishable under Sections 34(1)(A), 34(2), 59(A) of the C.G. Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 6.425 bulk litres of liquor was seized from the possession of the applicant.
1. Learned counsel for the applicant submits that the earlier bail application was dismissed as withdrawn on 28.11.2016 with liberty to file afresh after examination of the seizure witnesses. He submits that now the seizure witnesses namely Ramji and Gorelal have been examined and they have not supported the case of prosecution, therefore, the applicant has been falsely implicated in this case.

2. 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.
3. Taking into consideration the fact that both the seizure witnesses have denied the case of prosecution as also the fact that the applicant is in jail since 30.10.2016 and further looking to the quantity of liquor seized in this case is only 6.425 bulk litres, without any further observation on merits of the case, this Court is inclined to release him on bail. Accordingly, this application is allowed.
4. 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