

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 666 of 2017

- Rakesh Kumar Sonwani S/o Sevak Ram, Aged About 28 Years R/o Village Amera, Police Station Palari, District Baloda Bazar Bhatapara, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Kasdol, District Baloda Bazar Bhatapara, Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Raghavendra Pradhan, Advocate
For the Respondent	: Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.02.2017

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. 473 of 2016 registered at P.S. Kasdol, Distt. Baloda Bazar Bhatapara (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 on 22.11.2016, from the possession of the applicant 17.640 bulk litres of country made liquor was seized.
3. Learned counsel for the applicant submits that this is second bail application and the earlier bail application was dismissed as withdrawn with liberty to file the same after examination of the seizure witnesses. He submits that now the seizure witnesses namely Premlal Raje (P.W.1) and Pintu Jaiswal (P.W.2) have been examined and they have not supported

the case of prosecution, therefore, the applicant has been falsely implicated in this case. He further submits that the charge sheet has been filed and the applicant is in jail since 22.11.2016.

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 case of prosecution as also the fact that the charge sheet has been filed and applicant is in jail since and further looking to the quantity of liquor seized i.e., 17.640 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.
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