

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 756 of 2017

- Meghlal @ Lala Sahu S/o Bedram Sahu, Aged About 25 Years R/o Village Rikokala, Police Station Rajadevri, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Rajadevri, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Anil Gulati, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15-02-2017

1. This is a 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 on 29-10-2016 in connection with Crime No. 51 of 2016, registered at Police Station Rajadevri, District Balodav Bazar – Bhatapara (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act. Earlier first bail application was dismissed as withdrawn with liberty to repeat the prayer after examination of the seizure witnesses on 13-12-2016.
2. As per prosecution case, on information being received, a raid was conducted by the police party, the applicant was found in possession of illicit liquor measuring about 7.2 liters, the same was seized from him and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that no seizure was made in person from the applicant, seizure witnesses namely Sahadev Sahu and Dhukalu have been examined and they have not

supported the prosecution case. He would further submit that the applicant has been falsely implicated in the case, charge-sheet has been filed, he is in jail since 29-10-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail. However, he does not dispute the fact that the seizure witnesses have been examined and they have not supported the prosecution case.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of seizure witnesses Sahadev Sahu and Dhukalu which would show that they have not supported the prosecution case.
7. Taking into consideration facts and circumstances of the case and further considering the fact that the seizure witnesses have not supported the prosecution case, without further observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju