

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1012 of 2017

- Radheshyam S/o Sukhiram Sonwani, Aged About 51 Years R/o Village Chuchrungpur, Thana Suhela, Civil & Revenue District Balodabazar Bhatapara Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Suhela, District Balodabajar Bhatapara Chhattisgarh --- **Respondent**

For the applicant	: Mr. Sunil Sahu, Advocate
For the Respondent	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

01.03.2017

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. 177/2016 registered at P.S. Suhela, Distt. Balodabazar-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 08.11.2016, from the possession of the applicant approximately 14.470 bulk litres of illegal liquor was seized.
3. Learned counsel for the applicant submits that the earlier bail application was dismissed as withdrawn on 15.02.2016 with liberty to file the same after examination of the seizure witnesses. He submits that now the seizure witnesses namely Nutan Verma and Durgesh 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 not able 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 applicant is in jail since 08.11.2016 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 for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**