

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1152 of 2017

Tushar Verma, S/o. Prakash Verma, Aged About 25 Years, R/o. Village Lohari, Thana Suhela, District Balauda Bazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Thana Suhela, District Balauda Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Samir Singh, Advocate

For Respondent : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.03.2017

1. This is the 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 in connection with Crime No.184/2016 registered at Police Station- Suhela, District Balauda Bazar-Bhatapara (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that on 18.11.2016 on a raid being conducted, the applicant was found to be in possession of 121.320 bulk liters of illicit liquor.
3. Learned counsel for the applicant submits that this is the second bail application, the earlier bail application was dismissed as withdrawn on 21.12.2016 with liberty to repeat the same after examination of the seizure witnesses. He further submits now the seizure witnesses namely Yogesh Verma & Dhanaram Verma have been examined and they have not supported the case of the

prosecution; therefore, considering the fact that the applicant has been falsely implicated in this case, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the seizure witnesses have been examined and they have not supported the case of the prosecution.
5. Considering the facts & circumstances of the case and the fact that the seizure witnesses have been examined and they have not supported the case of the prosecution, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge