

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1693 of 2017

Ravindra Nath Manjhi, S/o. Late Nagendra Nath, Aged About 46 Years,
R/o. PV-37, Tahsil & Police Station Pakhanjur, District Kanker,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Pakhanjur, District Kanker,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Arun Kochar, Advocate

For Respondent : Mr. S.R.J.Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/03/2017

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.141/2016 registered at Police Station- Pakhanjur, District Kanker (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. Case of the prosecution, in brief, is that on a raid being conducted on 04.12.2016, from the present applicant, on a motorcycle, total 10 liters of Mahuwa liquor was seized.
3. Learned counsel for the applicant would submit that this is the second bail application, the earlier bail application was dismissed on 06.01.2017 with liberty to repeat the same after examination of the seizure witness. He submits now the seizure witnesses namely Ram Mohan Mandal & Janranjan Datta 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. Perused the case diary and the statements. 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