

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1829 of 2017

- Ritesh Rao S/o Khanderam, Aged About 31 Years R/o Village Titurdih Near Musk, Durg, District Durg, Chhattisgarh.

---- **Petitioner**

**Versus**

- State of Chhattisgarh Through S.H.O. Police Station Suhela, District Baloda Bazar Bhatapara, Chhattisgarh.

---- **Respondent**

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For Applicant : Mr. Hemant Gupta, Advocate

For Respondent/State : Mr. Suryakant Mishra, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**7-4-2017**

1. At the outset, learned counsel appearing for the applicant would submit that instead of Crime No. 82 of 2015, Crime No. 82 of 2016 has been wrongly typed in the bail petition.
2. Learned counsel for the applicant is permitted to make necessary correction in the bail petition during the course of the day. Accordingly, correction has been carried out in the bail petition.
3. This is third 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 12-11-2016 in connection with Crime No. 82 of 2015, registered at Police Station Suhela, District Baloda Bazar Bhatapara (CG) for the offence punishable under Sections 34(2) of Excise Act and Section 25 of the Arms Act.
4. As per the prosecution case, on a raid being conducted on 12-7-2015, from the possession of the present applicant in a vehicle bearing registration No.

CG -04 CZ 1000, total 169.2 bulk liters of illicit liquor was seized and thereby the aforesaid offence has been committed.

5. Learned counsel appearing for the applicant would submit that this is third bail petition, earlier first bail petition was dismissed as withdrawn on 20-12-2016 and second bail petition was dismissed on merits on 6-2-2017. He would further submit that the seizure witnesses namely Surendra Manikpuri (PW/1) and Ramji Verma (PW/2) have been examined and they have not supported the case of prosecution. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 12-11-2016 and no further investigation is required, therefore, he may be released on bail.
6. On the other hand, 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 prosecution.
7. I have heard learned counsel for the parties, perused the case diary and documents.
8. Perused the statements of seizure witnesses Surendra Manikpuri (PW/1) and Ramji Verma (PW/2) which would show that they have not supported the case of prosecution case.
9. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the statements of the seizure witnesses and also the fact that the charge-sheet has been filed in this case, the applicant is in jail since 12-11-2016 and no further investigation is necessary, I am inclined to release the applicant on bail.
10. 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 also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-  
**(Goutam Bhaduri)**  
Judge

Raju