

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2366 of 2017

- Madan Lal S/o Dhani Ram, Aged About 47 Years Caste Gond, R/o Village Kattapar (Dumatola) Police Station Mohla, District Rajnandgaon Chhattisgarh

---- **Petitioner**

Versus

- State of Chhattisgarh Through The Police Station Mohla District Rajnandgaon Chhattisgarh

---- **Respondent**

For Applicant : Mr. S.S. Baghel,, Advocate

For Respondent/State : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20-04-2017

1. This is 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 29-1-2017 in connection with Crime No. 18 of 2017, registered at Police Station Mohla, District Rajnandgaon, for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act, 1915,
2. Case of the prosecution, in brief, is that on 29-1-2017 on information being received, raid was conducted by the Police party and from the possession of the applicant 8.460 liters of liquor was seized and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that this second bail petition and on 7-3-2017 earlier bail petition was dismissed as withdrawn with liberty to repeat the same after examination of the seizure witnesses. Now the seizure witnesses

namely Vinayak Pal (PW/1) and Gyan Singh Pal (PW/2) have been examined and they have not supported the case of prosecutrix. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 29-1-2017 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 is not able to dispute the fact that seizure witnesses have been examined and they have not supported the case of prosecution.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Taking into consideration the facts and circumstances of the case and further considering the fact that seizure witnesses have been examined in this case and they have not supported the case of prosecution and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 29-1-2017, this court is inclined to release the applicant on bail.
7. 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

