

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2499 of 2017

- Budhram S/o Rambagas Sahu, Aged About 48 Years R/o Village Khaprikala, Out Post Chilfi, Police Station & Tahsil Lormi, District Mungeli, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer Out Post Chilfi, Police Station Lormi, District Mungeli, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. R. N. Jha, Advocate
For the State	:	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.04.2017

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.560/2016 registered at Police Outpost Chilfi, P.S. Lormi, Distt. Mungeli (C.G) for the offence punishable under Sections 34(1)(A), 34(2), 59(A) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police on 21.11.2016, from the possession of the applicant 18 bulk litres of liquor was seized.
3. Learned counsel for the applicant submits that the earlier bail application was dismissed as withdrawn on 14.12.2016 with liberty to file the same after examination of the seizure witnesses. He submits that now the seizure witnesses namely Kanhaiyalal and Shailesh Soni have been examined and they have not supported the case of prosecution, therefore, the applicant has been falsely implicated in this case and the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail

application. However, he is unable 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 entire case of prosecution as also the fact that the applicant is in jail since 21.11.2016 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 by the concerned Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**