

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2564 of 2017

- Anil Vishwakarma S/o Shyam Narayan Vishwakarma Aged About 35 Years R/o Krishna Nagar, Police Station- Tikrapara, Tahsil & District- Raipur, Chhattisgarh. **--- Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station- Ganj, Raipur, District- Raipur, Chhattisgarh. **--- Respondent**

For the applicant	:	Mr. C.K.Sahu, Advocate
For the State	:	Mr. Anupam Dubey, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.04.2017

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. 10/2017 registered at P.S. Ganj, Raipur, Distt. Raipur (C.G) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The prosecution alleges that on 09.01.2017 certain information was received by the police that illicit liquor was being transported in offending car bearing No.C.G.04-HA/1106 and in pursuance of such information, the said car was intercepted and on search being made, 180 bulk litres of illicit liquor was seized from the said vehicle.
3. Learned counsel for the applicant submits that the earlier bail application was dismissed on 21.03.2017 as withdrawn with liberty to file the same after examination of the seizure witnesses. He submits that now the seizure witnesses namely Ajay Sinha (P.W.1) and Sandeep Sinha (P.W.2) have been examined and they have not supported the case of

prosecution, therefore, the applicant has been falsely implicated in this case and he 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 case of prosecution as also the fact that the applicant is in jail since 09.01.2017, 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. He shall also appear before the said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

R a o