

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4486 of 2017

- Raj Thakur S/o Shri Sher Singh, Aged About 24 Years R/o Near Mangal Bazar, Idgahbhatha Raipur, Tahsil & District Raipur, Chhattisgarh. --- **Petitioner**

Versus

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

For the applicant	:	Ms. Vijay Laxmi Sarwa, Advocate
For the State	:	Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.07.2017

1. This is third 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. 206/2016 registered at P.S. Ajad Chowk, Raipur, Distt. Raipur (C.G) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 6.300 bulk litres of country made liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the earlier bail application was dismissed as withdrawn on 06.12.2016 with liberty to repeat the same after examination of the seizure witnesses and the second bail application was dismissed on 27.03.2017 on the ground that seizure witnesses have not been examined. He submits that now the seizure witnesses Arjun Sendre and Ganesh Jaiswal have been examined and they have not supported the case of

prosecution therefore the applicant has been falsely implicated. He further submits that the applicant is in jail since 01.09.2016 and looking to the facts and circumstances, the applicant may be released 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 01.09.2016 and further looking to the quantum of alleged recovery of liquor i.e., only 6.300 bulk litres, 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**