

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5824 of 2017

- Ram Mandal S/o Late Khagendra Mandal, Aged About 28 Years R/o Kali Nagar, Pandri, Police Station Civil Line, Raipur, Tahsil & District Raipur, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through District Magistrate, Raipur, District Raipur, Chhattisgarh and also Through Police Station Civil Line, Raipur, District Raipur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Pushpendra Patel, Advocate
For the Respondent	:	Mr. Sangharsh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.09.2017

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. 720 of 2016 registered at P.S. Civil Lines, 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 15.11.2016 when a raid/ inspection was conducted by the Police, 52.500 bulk litres of Mahua liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the 1st bail application was dismissed as withdrawn on 07.03.2017 with liberty to repeat the same after examination of the seizure witnesses and subsequently the second bail application was dismissed on 21.7.2017 as withdrawn. He submits that thereafter the seizure witnesses namely Nirudd Dhrithlahre

and George have been examined on 16.08.2017 and both these witnesses they have not supported the case of prosecution, therefore, the applicant has been falsely implicated in this case.

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 the two seizure witnesses have denied the case of prosecution as also the fact that the applicant is in jail since 15.11.2016, 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. 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