

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6092 of 2018

1. Ramesh Singh, S/o. Shri Nathuni Singh, Aged About 30 Years, By Caste- Rajpur, R/o- Village-Pati, Thana- Dev, Tahsil- Aurangabad, Civil And Revenue District- Aurangabad (Bihar).
2. Sukhen Saket, S/o. Shri Bhagwan Das Saket, Aged About 30 Years, R/o- Village- Amarpatan Padakka, Thana- Amarpatan, Civil And Revenue District- Stana (M.P.).

---- Applicants

Versus

The State Of Chhattisgarh, Through- The Station House Officer, Police Station- Fasterpur, Civil And Revenue District- Mungeli, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Sumit Shrivastava, Advocate
For Respondent	:	Mr. Rahul Tamskar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

31/08/2018

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.50/2018, registered at Police Station- Fasterpur, District – Mungeli (C.G.) for the offence punishable under Section 34 (1) (A), 34 (2), 59 (A) of the C.G. Excise Act. The first bail application of the applicant dismissed as withdrawn with liberty to revive the same after some time vide order dated 02.07.2018.
2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. Applicants are in jail since 05.06.2018. No case is made out against them according to the material present in the charge-sheet. The independent witnesses of seizure have been examined before the trial Court and they have turned hostile and not supported the case of the prosecution. Therefore, it is prayed that the applicants may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that huge quantity illicit liquor has been seized from the possession of the applicants. Hence, they are not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. In total 657 bulk liters of illicit country liquor has been seized from both these applicants jointly, while they were transporting the same. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considered on the entire material present in the case diary, now the case is before the trial Court and it is informed that independent witnesses have been declared hostile by the prosecutor, hence, for this reason, this Court is of the opinion that present is a fit case, in which, this applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge