

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 784 of 2019**

1. Chandrbhushan Singh. S/o Rajendra Singh Rajput Aged About 25 Years,
2. Ankit Meshram S/o Late Vijay Meshram Aged About 24 Years;

Both are R/o Supela, 5 Rasta Bhilai, District Durg Chhattisgarh,
District : Durg, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Police Station Kanker, District
North Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri P.K. Tulsyan, Advocate
For the State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**11/02/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.336/2018 registered in Police Station Kanker, District North Bastar, Kanker (C.G.) for the offence punishable under Section 34(2) of CG Excise Act.
3. Argument heard.
4. Case of the prosecution, in brief is that on 10/10/2018, 90 bulk liters of foreign liquor has been seized from the possession of the applicant No.1. On very day 135 bulk liters of foreign liquor was seized from the possession of applicant No. 2 Ankit Meshram.
5. Counsel for the State submits that there is no antecedents of the applicants are reported in police case diary.
6. Counsel for the applicants further submitted that seizure witnesses have been turned hostile, thus applicants may be released on bail.
7. Becoming hostile of seizure witness is not a sole ground to enlarge the accused on bail.
8. Looking to the above facts and circumstances of the case, the application is allowed. It is directed that if the applicant No.1 **Chandrbhushan Singh** furnishes one solvent surety for a sum of Rs. 25,000/- along with one

personal bond of Rs. 25,000/- to the satisfaction of the trial Court concerned, he be released on bail.

9. Looking to the facts and circumstances of the case, looking to the huge quantity of alleged seized liquor the bail application of applicant No. 2 Ankit Meshram is rejected.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde