

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2896 of 2019**

Sunny Kumar Singh S/o Sudhir Singh Rajput Aged About 25 Years R/o Ward No.2, Ali Ganj, Thana-Vikhoti, District Parliya, Bihar.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Basana, District Mahasamund Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sanjay Agrawal, Advocate
For Respondent/State	: Mr. K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

07/05/2019

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 398/2018, registered at Police Station- Basana, District- Mahasamund (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act and 420, 467, 468, 120 B/34 of IPC.
2. In this case there are total eleven accused. As per prosecution story, on 01.10.2018, police officials received secret information from an informant that some persons are transporting the liquor and unloading the same from a truck bearing registration no. MP-06 HP 2730, at village Pirda. On being searched it was found that the applicant and other accused persons were unloading the liquor from the said truck, total 4320 bulk litre of Foreign Liquor was seized from the joint possession of present applicant and other co-accused persons namely Raju Dangi and Sanju Patidar. On the basis of the said, offence has been registered. The applicant has been taken into

custody on 01.10.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that the Applicant is in custody since 01.10.2018. He also submits that after filing of charge sheet both the seizure witnesses have already been examined before the Trial Court, they have not supported the case of the prosecution, and trial is likely to take some time, therefore, the Applicant may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, particularly considering the fact that seizure witnesses have not supported the case of the prosecution and the fact that he is in custody since 01.10.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing personal bond for a sum of Rs.2,00,000/- with two local solvent sureties each of Rs.1,00,000/- to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge