

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3331 of 2019

- Shrinivas Burra, S/o Balaiyya Alias Balaji Burra, Aged About 32 Years, R/o Village- Dongargaon, Police Station- Aundhi, District-Rajnandgaon, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh Through The Police Station- Aundhi, District-Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Shri S.S. Baghel, Advocate.
For Non-applicant/State	:	Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-07-2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 04/2019, registered at Police Station-Aundhi, District – Rajnandgaon(C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 17.2.2019. According to prosecution witnesses, only 14 bulk liters of foreign liquor were seized from the possession of this applicant out of total 3317.760 bulk liters liquor, that was seized from the other co-accused person. In the trial against the applicant, independent witnesses of search and seizure have not supported the prosecution case and turned hostile, therefore, it is prayed that, he may be released on bail.

3. Learned State counsel opposes the submissions made in this respect. It is submitted that the applicant has criminal history of having being prosecuted for similar case earlier, therefore, application be rejected.
4. In reply, it is submitted by learned counsel for the applicant, that in all the earlier prosecution the applicant has been acquitted of charge.
5. I have heard both the parties and perused the documents on record.
6. After considering the entire material present in the case diary and for the reason that the case is before the trial Court and the independent witnesses of search and seizure have not supported the case of prosecution against this applicant, I feel to incline to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha