

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4489 of 2019

- Santosh Kumar Tansena, S/o Tiharuram Tansena, Aged About 25 Years, R/o Village-Aalkanhar, Police-Station-Aundhi, District-Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Mr. S.S. Baghel, Advocate.
For Respondent/State	:	Mr. Adil Minhaj, PL.

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

22/07/2019

1. This is first bail application of the applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him as he has been arrested by the police 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, 1915.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The independent witnesses of search and seizure have been examined by the trial Court and they have not supported the prosecution case. The applicant is in jail since 17.2.2019, hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. In total 3317.760 litres foreign liquor has been seized from the possession of this applicant and one co-accused jointly. Hence, this case.
6. For the reason that the independent witnesses have been examined before the Court below have not supported the prosecution case and, further, that the co-accused person has been granted bail in this case, I feel inclined 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 regular 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha