

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4790 of 2021**

Manutosh Mandal S/o Manoranjan Mandal Aged About 22
Years R/o P.V. 103, Ashutosh Nagar, Police Station Bande,
Tahsil Pakhanjur, District- Kanker, Chhattisgarh.

--- Petitioner

Versus

State of Chhattisgarh through the Police Station Aundhi,
District- Rajnandgaon, Chhattisgarh.

--- Respondent

For the applicant	:	Mr. Shaleen Singh Baghel, Advocate.
For the State	:	Mr. Ashish Tiwari, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board**

11.08.2021

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.01/2021 registered at Police Station Aundhi, Distt. Rajnandgaon (C.G) for the offences punishable under Sections 34(2) of the Chhattisgarh Excise Act, 2015.
2. As per the prosecution case, on 26.01.2021 when the vehicle bearing No. C.G.13 U/7183 has been intercepted, 702 bulk litres of illicit liquor was seized and from the possession of the present applicant, the applicant 180 litres were said to be recovered.
3. Learned counsel for the applicant submits that this is the second bail application and the earlier one was dismissed on 17.05.2021 as withdrawn. He submits that seizure witnesses Balkrishna Meshram and Dilip Borkar have been examined

and they have not supported the case of prosecution, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he do not dispute the fact that the seizure witnesses have not supported the case of prosecution.
 5. After going through the statements of seizure witnesses and considering the fact that the applicant is in jail since 26.01.2021, without any further observation on merits of the case, I am inclined to allow this bail application.
 6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**