

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7693 of 2021**

Shivlal S/o Shri Mayadhar, aged about 45 years, By Caste - Kalar R/o. Village-Risekala, Tahsil And Thana - Saraypali, District : Mahasamund, Chhattisgarh

---- Applicant

Versus

The State of Chhattisgarh through the Station House Officer Police Station - Saraypali, District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant	: Mr. Sunil Sahu, Advocate.
For Respondent/State	: Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

22.10.2021

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.67/2021, registered at Police Station– Saraypali, District- Mahasamund (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act, 1915.
2. First bail application was dismissed as withdrawn with liberty to file afresh after examination of seizure witnesses vide order dated 28.05.2021 passed in MCRC No.1794/2021.
3. As per prosecution story, on 19.02.2021, on the basis of information received from an informant, police officials searched and seized total 610.00 bulk litres of country-made liquor from the possession of the present applicant. On the basis of the said, offence has been registered. The applicant has been taken into custody on 19.02.2021.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He submits that seizure witnesses of the case have already been examined, the applicant has no criminal antecedent and he is in custody since 19.02.2021 and trial is likely to take some time, therefore, the applicant may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, particularly considering the fact that seizure witnesses of the case have turned hostile and have not supported the case of prosecution, and considering the fact that appellant is in jail since 19.02.2021 and trial is likely to take some more time, without further commenting on other merits of the case, I am inclined to release the Applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge