

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3019 of 2016

- Rajendra Prasad Tiwari S/o Late Chedi Lal Tiwari Aged About 51 Years R/o Village Aamgaon Radhakishan Dhaba, Police Station Dongargaon District Rajnandgaon Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh through the Divisional Flying Squad, Excise, District Raipur Chhattisgarh

--- Respondent

For the applicant	:	Mr. Shaleen Singh Baghel, Advocate
For the Respondent	:	Mr. Sumeet Jhawar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.06.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. P-08, 42/2016 registered by Divisional Flying Squad, Excise Department, Raipur (C.G) for the offence punishable under Section 34(2), 59-A(1)(2) of the Chhattisgarh Excise Act, 1915.
2. The prosecution alleges that when a raid/inspection was conducted by the flying squad of Excise department, 8.640 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned state Counsel submits that earlier two cases of similar nature were registered against the applicant u/s 34 of the Excise Act in the year 2011, therefore, the applicant is habitual offender and he may not be enlarged on bail.
4. Learned counsel for the applicant submits that in Criminal Case No.133/2011 the applicant has been acquitted on 23rd

March 2013 and further he has also been acquitted in Criminal Case No.1692/2011 on 28.3.2014. He further submits that the applicant has been falsely implicated in this case and he is in jail since 05.05.2016, therefore, he may be enlarged on bail.

5. Considering the acquittal of the applicant in similar nature of cases and the fact that the quantity of seized liquor in this case is 8.640 bulk litres; offence is triable by the JMFC and the applicant is in jail since 05.05.2016 this Court is inclined to release him on bail. Accordingly, this application is allowed.

6. 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. He shall also appear before the said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE