

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2495 of 2016

Kripashankar Tiwari, S/o. Balmukund Tiwari, aged about 45 years, R/o. Gudiyaari Road, Gondwara, Post Office Raipur, P.S. Khamtarai, Tahsil-Raipur, Civil and Revenue District-Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through: Officer – in- Charge, Police Station Khamtarai, District-Raipur (C.G.)

---- Respondent

For Applicant : Mr. Badruddin Khan, Advocate

For Respondent/State : Mr. Arun Sao, Dy.A.G.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

17/05/2016

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.121/2016 registered at Police Station- Khamtarai, District – Raipur (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 5.400 bulk liters and he was arrested on 17.03.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 17.03.2016; therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, the applicant has no previous antecedents of similar offence.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.400 liters; offence is triable by the JMFC and the applicant is in jail since 17.03.2016, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each 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/-
(Prashant Kumar Mishra)
Vacation Judge