

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C No.3226 of 2017

Ishwar Prasad Jaiswal S/o S/o Late Vindeshwar Prasad Jaiswal Aged About 57 Years R/o Village Batra Pasalihapara, Police Chowki, Karanji, Police Station- Vishrampur, District- Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through: The Incharge, Police Chowki- Karanji, Police Station Vishrampur, District- Surajpur, Chhattisgarh.

---- Non-Applicant

For Applicant:	Smt Laxmin Tondey, Advocate.
For State/Non-Applicant:	Shri Arvind Dubey, Panel Lawyer.

Single Bench: Hon'ble Shri Prashant Kumar Mishra J
Order On Board

22.5.2017

1. This is the first bail application under Section 439 Cr.P.C for grant of regular bail as the Applicant is arrested in connection with Crime No.83/2017 registered at Police Station – Police Chowki Karanji, P.S Vishrampur, District Surajpur (CG) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act for illegally possessing 25.920 bulk liters of foreign made liquor.
2. Learned Counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated in the alleged crime. He submits further that there are no criminal antecedents of similar offence against him and is therefore liable to be enlarged on bail.
3. On the other hand, learned counsel for the State opposed the prayer for bail.

4. Having considered the facts and circumstances of the case and particularly keeping in view the quantity of liquor seized, that the offence is triable by the Judicial Magistrate, First Class and that the Applicant is in jail since 15.04.2017, this Court is inclined to release the Applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C is allowed and it is directed that the Applicant shall be released on bail on his furnishing a personal bond in the 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 trial Court as and when directed. It is made clear that if the Applicant involves himself in the offence of similar nature in future, this order granting bail to the Applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Prashant Kumar Mishra)
V. JUDGE