

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8588 of 2016

- J. Tirupati Giriwas @ Giri S/o J.Narayan Giriwas Aged About 41 Years R/o Sector 6 Street No. 30, Block No.5 B, Bhilai Nagar, Tehsil & District- Durg, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through District Magistrate- Durg, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Avinash Chand Sahu, Advocate

For Respondent/State : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09-01-2017

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 on 5-12-2016 in connection with Crime No. 72 of 2004, registered at Police Station Excise Circle, Durg City East District Durg (CG), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per prosecution case, when a raid was conducted by the police party, the applicant was found in possession of illicit liquor measuring about 81 liters, the same was seized from him and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, charge-sheet has been filed, he is in jail since 5-12-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, 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. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 81 liters, offence is triable by the JMFC, charge-sheet has been filed and the applicant is in jail since 5-12-2016, I am inclined to release the applicant on bail.
7. 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 for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju