

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1595 of 2017

- Raju Tiwari S/o Puran Prasad, Aged About 33 Years R/o Ranveerpur, Police Station Sahaspur Lohara, District Kabirdham Chhattisgarh

---- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Sahaspur Lohara, District Kabirdham Chhattisgarh

---- **Respondent**

For Applicant : Mr. Shiv Shankar Tiwari, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22-03-2017

1. This is second 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 13-10-2016 in connection with Crime No. 184 of 2016, registered at Police Station Sahaspur Lohara, District Kabirdham (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act. Earlier first bail application was dismissed for want of prosecution on 18-11-2016.
2. As per prosecution case, on information being received a raid was conducted by the police party, the applicant was found in possession of illicit liquor measuring about 38.380 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 13-10-2016 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.
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 38.380 liters, offence is triable by the JMFC, charge-sheet has been filed and the applicant is in jail since 13-10-2016, this court is 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