

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4967 of 2018

- Harish Tiwari S/o Ravindra Tiwari Aged About 22 Years R/o Baba Kirana Store, Gudhiyari Chundbhatti, Raipur Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Gudhiyari District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. B.M. Roy, Advocate.
For Non-applicant/State	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-07-2018

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. 79/2018, registered at Police Station- Gudhiyari, District–Raipur(C.G.) for the offence punishable under Sections 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 she was arrested on 28.2.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and she is in jail since 28.2.2018; therefore, she 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 bulk liters; offence is triable by the JMFC and the applicant is in jail since 28.2.2018, 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. It is directed that the applicant shall be released on bail on her furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha