

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5811 of 2018**

Lalji Tiwari, S/o Chhote Lal Tiwari, Aged About 44 Years, R/o Village- Sadak Dafai Haldibadi, Chirmiri, Police Station Chirmiri, Tehsil- Khadgawan, District- Korea, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through- Police Station-Chirmiri, District- Korea, Chhattisgarh

---- Respondent

For Applicant	: Shri Pawan Kesharwani, Advocate.
For Respondent/State	: Shri Vivek Singhal, PL

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

07/09/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 59/2018, registered at Police Station Chirmiri (C.G.) for the offence punishable under Section 34 (2) of the Excise Act.
2. As per the prosecution story, on the basis of information received from the informant on 02.03.2018, Police party raided and searched the house of the applicant and seized 7.050 bulk litres of country made liquor from there. Co-accused Vinay Tiwari, son of the present applicant was present at the house, but the applicant was not present there. Allegedly, the said quantity of liquor was stored by the present applicant for the purpose of selling. On the basis of above allegation, the applicant has been arrested on 09.07.2018.
3. Shri Pawan Kesharwani, learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case. No liquor has been seized from the possession of the present applicant. The co-accused Vinay Tiwari has

already granted bail by this Court vide order dated 25.05.2018 in MCRC No. 3540/2018. He further submits that the charge-sheet has been filed and applicant is in custody since 09.07.2018, and trial will likely to take some time, therefore, he may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application and submits that there are 4-5 Crime has been registered against the present applicant, therefore, the bail should not be granted to him.
5. I have heard learned Counsel for both the parties and perused the case diary.
6. Considering the facts and circumstances of the case, further considering the fact that the liquor was seized from the possession of the co-accused Vinay Tiwari, who already granted benefit of bail by this Court and the fact that the applicant is in custody since 09.07.2018 charge sheet has been filed, therefore, trial will likely to take some time, without further commenting on merit of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/- with two solvent sureties each of Rs. 25,000/- to the satisfaction of the trial Court for his appearance before the said Court as and when directed.
9. In case, if any crime of same nature is registered against the applicant in future, the instant bail order shall automatically be dismissed without further reference to this Bench.

Sd/-
(Arvind Singh Chandel)
Judge