

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1118 of 2019**

Raju Tiwari S/o Puran Prasad, aged about 35 years Occupation Betel shopkeeper, R/o Village- Ranvirpur, Police Station & Tahsil S.Lohara, District Kabirdham (C.G.)

--- Applicant**Versus**

State of Chhattisgarh, Through District Magistrate, Kawardha, District Kabirdham (C.G.)/Station House Officer, Police Station S.Lohara, District Kabirdham (C.G.)

---- Respondent

For Applicant	:	Mr. Dharmesh Shrivastava, Advocate
For Respondent	:	Mr. Amit Singh, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**08/03/2019**

1. The Applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 25/2019 registered at Police Station S. Lohara, District Kabirdham (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. As per prosecution story, on 03/02/2019 on the basis of information received from the informant, the police official searched and seized total 8.100 bulk liters of country made liquor from illegal possession of the Applicant. Offence has been registered and the Applicant has been taken into custody on 03/02/2019.
3. Learned counsel appearing on behalf of the Applicant submits that the

Applicant is innocent and has been falsely implicated in the present case. He further submits that the Applicant is in custody since 03/02/2019 and trial will take time, therefore, the Applicant may be released on bail.

4. Counsel appearing on behalf of the State also opposes the bail application and submits that there are two cases under Section 34 of Excise Act and there is one case under Section 36 of the Excise Act registered against the Applicant.
5. In this regard, counsel for the Applicant submitted that out of two case of 34 of Excise Act, the Applicant has been acquitted in one of the case and one case is pending.
6. I have heard learned counsel for both the parties.
7. Considering the entire facts and circumstances of the case, particularly considering that the Applicant is in custody since 03/02/2019, quantity of liquor is small and trial will likely to take some time, without further commenting on merit of the case, I am inclined to release the Applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge