

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1955 of 2019**

- Lalji Tiwari, S/o Late Chhotelal Tiwari, aged about 47 years, R/o Sadak Dafai Haldibadi, Chirmiri, Police Station and Tahsil Chirmiri, District Koriya, (.C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police of Police Station- Chirmiri, District- Koriya, (.C.G.).

---- Respondent

For Applicant : Shri Anil Gulati, Advocate.

For Respondent/State : Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

22/04/2019

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. 44/2019, registered at Police Station – Chirmiri, District - Koriya, (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. As per the prosecution story, on 14.02.2019, on the basis of information received from an informant, police personnels searched Applicant and total 7.020 bulk litres of country-made liquor has been seized from his possession and he has been arrested on 14.02.2019.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that charge-sheet has been filed. Applicant is in custody since 14.02.2019 and trial will take some time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes

the bail application and submits that there are total nine cases registered against the Applicant.

5. However, Counsel for the Applicant submits that out of total nine cases, Applicant has already been acquitted in six cases and only two cases are pending which relates to IPC.
6. I have heard learned Counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the quantity of the seized liquor, Applicant is in custody since 14.02.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge