

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6083 of 2019**

- Kapil Jaiswal S/o Late Hari Jaiswal Aged About 32 Years R/o Housing Board I.I. Bhilai, Police Station Jamul, District-Durg, Chhattisgarh.

**---- Applicant**

**Versus**

- State of Chhattisgarh Through Station House Officer, Excise Circle, Rajim, District-Gariyaband, Chhattisgarh.

**---- Respondent**

---

|                |   |                                  |
|----------------|---|----------------------------------|
| For Applicant  | : | Mr. C.R. Sahu, Advocate.         |
| For Respondent | : | Mr. Arijit Tiwari, Panel Lawyer. |

---

**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**23/09/2019**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.70/2019 registered at Police Station–Excise Circle, Rajim, District– Gariyaband(C.G.) for the offence punishable under Sections 34(2) of C.G. Excise Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 26.8.2019. The applicant has not committed any offence. Applicant was only driver of the vehicle. Other co-accused persons were transporting the liquor, therefore, he had no connection with the liquor which has been seized. Similarly placed co-accused persons have been granted bail, hence, it is prayed that he may be enlarged on

regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, about 711 bulk liters plain country liquor manufactured in M.P. was being transported in the vehicle, which was driven by this applicant. Seizure of the same has been made from the possession of this applicant and the other co-accused persons.
6. Considering that similarly placed co-accused persons have been granted bail, for this reason, I feel inclined to allow the application of this applicant.
7. 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 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 his appearance as and when directed.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge