

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6135 of 2019

Tiharu Ram S/o - Shri Heera Ram Adile Aged About 40 Years, Caste – Satnami, R/o - Village Bhathali, Police Station -Shivarinarayan, Civil and Revenue District Janjgir-Champa Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through The District Magistrate, Janjgir, Civil and Revenue District Janjgir-Champa Chhattisgarh

---- Respondent

For Applicant : Mr. Paras Mani Shrivastava, Advocate

For Respondent : Mr. Chandra Bhushan Kesharwani, P.L.

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 for grant of regular bail to the applicant who has been arrested in connection with Crime No.75/2019, registered at Police Station- Excise Circle Shivarinarayan, District – Janjgir-Champa (C.G.) for the offence punishable under Section 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 08 bulk liters and he was arrested on 06.09.2019.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 06.09.2019;

therefore, he 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, one previous prosecution under the provision of I.P.C. and one preventive proceeding are registered against the applicant, therefore, he may not be released on bail.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 08 bulk liters; offence is triable by the JMFC and the applicant is in jail since 06.09.2019, 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.
7. 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.

Certified as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge