

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6294 of 2019

Lalji Tiwari, S/o. Late Chhotelal Tiwari, Aged About 50 Years, R/o. Haldibadi, Chirmiri, Police Station- Chirmiri, Tahsil Khadgawa, District- Koriya, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police of Police Station Chirmiri, District- Koriya, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Mr. Roshan Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/09/2019

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.313/2019, registered at Police Station- Chirmiri, District – Koriya (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 6.120 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, the applicant has 12 previous cases registered against him out of which 11 are the prosecution under the provisions of Excise Act, therefore, it is prayed that the applicant may not be released on bail.
5. In reply, it is submitted that the applicant has been acquitted in 7 previous cases under Excise Act and all the remaining cases are pending in which he is on bail.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 6.120 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.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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