

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No. 2394 of 2020**

- Ajay Tiwari S/o - Jagdamba Prasad Tiwari Aged About 20 Years R/o - Village-Nariyara, Police Station Mulmula, District Janjgir Champa Chhattisgarh

***---- Applicant***

***Versus***

- State Of Chhattisgarh Through Police Station Pamgarh, District Janjgir Champa Chhattisgarh

***---- Respondent***

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| For Applicant           | : | Mr. Garry Mukopadhyay, Advocate. |
| For Non-applicant/State | : | Mr. Ghanshyam Patel, G.A.        |

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

**Order on Board**

**06-05-2020**

1. Heard on default.
2. The default pointed out by the Registry is waived.
3. 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. 106/2020, registered at Police Station- Pamgarh, District- Janjgir-Champa, (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
4. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 15 bulk liters and he was arrested on 19.04.2020.
5. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 19.04.2020 and it is further submitted that he has supplied the advance copy to the A.G.

Office, therefore, he may be released on bail.

6. Learned State counsel opposes the prayer for grant of bail and submits that the applicant has been prosecuted for offence under Section 34(2) of C.G. Excise Act. Hence, he is not entitled for grant of bail.
7. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 15 bulk liter; offence is triable by the JMFC and the applicant is in jail since 19.04.2020, this Court is inclined to release the applicant on bail.
8. 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 his 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.
9. Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge