

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2582 of 2020

- Mithun Kaiwarth S/o Radheshyam Kaiwarth Aged About 48 Years R/o Malhar, Tehsil Masturi, Police Station-Masturi, District-Bilaspur, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer Masturi, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Yatharth Singh, Advocate.
For Non-applicant/State	:	Mr. Gagan Tiwari, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-05-2020

1. The default pointed out by the Registry is waived.
2. 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. 129/2020, registered at Police Station-SHO Masturi, District-Bilaspur, Chhattisgarh for the offence punishable under Sections 34(2) & 59(A) of the Chhattisgarh Excise Act.
3. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 36 bulk liters and he was arrested on 3.4.2020.
4. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 3.4.2020; therefore, he may be released on bail.
5. Learned State counsel opposes the prayer and submissions made by

the counsel for applicant.

6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 36 bulk liters; offence is triable by the JMFC and the applicant is in jail since 3.4.2020, 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. 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.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha