

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7973 of 2017

Sanjay Singh S/o Late Veer Bahadur Singh Aged About 43 Years R/o Deepak Nagar, Police Station Mohan Nagar, Durg, Tahsil & District Durg Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate Durg, District Durg Chhattisgarh

---- Respondent

For Applicant	:	Shri Goutam Khetrapal, Advocate
For State	:	Shri Syed Majid Ali, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

08/01/2018

Heard.

1. The applicant has been arrested in connection with Crime No.108 of 2017 registered in Police Station- Utai, District- Durg (C.G.) for alleged commission of offence under Section 34 (2) of the C.G. Excise Act.
2. Case of the prosecution, in brief, is that from the possession of the applicant, 6181 bulk litres of foreign/country made liquor was seized.
3. Learned counsel for the applicant would submit that a false seizure has been made. The applicant was not possessed of any such quantity of liquor. It is next submitted that the applicant is in jail since 12.9.2017, investigation is complete and charge sheet has also been filed and trial has not been concluded. It is lastly submitted that the applicant is not likely to abscond, therefore, he may be released on bail by securing his presence by imposing appropriate condition.
4. On the other hand, learned counsel for the State would submit that looking

to the huge quantity of liquor found from the possession of the applicant, a prima facie case is made out.

5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the maximum jail sentence which could be awarded for alleged commission of offence, considering that the applicant is in jail since 12.9.2017, investigation is complete, charge has been filed and the applicant is not in a position to abscond, I am inclined to allow the application.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court, with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge