

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7653 of 2018

- Pyare S/o Babulal Aged About 32 Years Caste Gond, Occupation Labour, R/o Village Lalpur, Police Station Kukdur, Tahsil Pandaria, Distict Kabirdham Chhattisgarh.

---- Applicant

In Jail

Versus

- State Of Chhattisgarh Through The Excise Officer, Kabirdham (Kawardha) Distict Kabirdham Chhattisgarh.

---- Respondent

For Applicant	:	Shri SK Mishra, Advocate.
For Respondent/State	:	Shri G. Mukhopadhyay, GA.

Hon'ble Shri Gautam Chourdiya, J

Order On Board

11/10/2018

The applicant has preferred this application under Section 439 of Cr.P.C. as he is in jail since 12.9.2018 in connection with Crime No.27/2018 registered in Police Station-Excise Officer, Kabirdham (Kawardha) for the offence punishable under Sections 34(1)(A) & 34(2) of the CG Excise Act.

Allegation against the applicant is that he was found in illegal possession of 7 liters of country-made liquor.

Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 12.9.2018, the offence is triable by the Magistrate and conclusion of trial is likely to take some time.

On the other hand, learned counsel for the State opposes the

bail application. However, he submits that the applicant has no criminal antecedents.

Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of liquor, the detention period of the applicant and the fact that conclusion of trial may take some time, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the concerned trial Court, he shall be released on bail. He is directed to appear before the trial Court on each and every date given to him by the said Court, till disposal of the trial.

It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Certified copy today itself.

Sd/
(Gautam Chourdiya)
J U D G E