NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9972 of 2018

- Moti Lal S/o Kanval Sai aged about 55 years, Caste Cherwa, R/o Village Nakna, Police Station & Tahsil Ramanujnagar, District- Surajpur (C.G.).

---- applicant in jail

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Ramanujnagar District- Surajpur (C.G.)

---- Respondent

For the Applicant : Shri Gyan Prakash Shukla, Advocate
For the Respondent/State :Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Gautam Chourdiya

ORDER On Board

19.12.2018

1. The applicant has preferred this application under Section 439 of Cr.P.C. as he is in jail since 13.10.2018 in connection with Crime No 177/2018, registered in Police Station- Ramanujnagar, District- Surajpur (C.G.) for the offence punishable under Section 34(2), 59(A) of Chhattisgarh Excise Act.

2. Allegation against the applicant is that he was found in illegal possession of about 7 bulk litter country made liqueur.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 13.10.2018, the offence is triable by the Magistrate and conclusion of trial is likely to take some time.

4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has no criminal antecedents.

5. 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.

6. 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.

Sd/-

(Gautam Chourdiya)
V.Judge

Amita