

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9987 of 2018

- Uttam Biswas (Wrongly Mentioned As Vishwas)) S/o Shri Dhirendra Biswas Aged About 50 Years R/o Block No. 44, House No. 09, Housing Board Colony, Dharampur, Police Station Mana, Tahsil And District- Raipur, Chhattisgarh

---- Applicant

In Jail

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Telibandha, Raipur, District- Raipur, Chhattisgarh..... (Wrongly Mentioned As P.S. Mana In The Certified Copy)

---- Respondent

For Applicant	:	Shri AD Kuldeep, Advocate.
For Respondent	:	Shri NK Sharma, Dy. GA

Hon'ble Shri Gautam Chourdiya, J

Order On Board

19/12/2018

The applicant has preferred this application under Section 439 of Cr.P.C. as he is in jail since 21.10.2018 in connection with Crime No.521/2018 registered in Police Station-Telibandha, Distt. Raipur (CG) for the offence punishable under Section 34(2) of Excise Act.

Allegation against the applicant is that he was found in illegal possession of 5.580 bulk 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 21.10.2018, the offence is triable by Magistrate and conclusion of trial is likely to take some time. He submits that the applicant has no criminal antecedents.

On the other hand, learned counsel for the State opposes the bail application.

Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of contraband, 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.

Sd/

(Gautam Chourdiya)
V. JUDGE