

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3345 of 2020

1. Nasib Singh S/o Late Jaram Singh, aged about 34 Years, Occupation - Driver, R/o Village Hatli, Police Station Sihuta, District Chamba (Himachal Pradesh).

---- Applicant

Versus

1. State Of Chhattisgarh Through District Magistrate, District Kabirdham (C.G.)

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate.
For Respondent/State	:	Shri Rakesh Sahu, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

17/11/2020

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 19/04/2020 in connection with Crime No. 12/2020 registered at Police Station Excise Circle, Kawardha, District Kabirdham (C.G.) for the offence punishable under Section 34(1)A, 34(2) of Chhattisgarh Excise Act.
- 2) Allegation against the applicant is that he was found in illegal possession of 6912 bulk Ltrs. of Goa spirit smoothness whisky.
- 3) Learned counsel for the applicant submits that the applicant is a driver by profession and has an import permit for transportation of the seized liquor issued by the Excise Department of Himachal Pradesh Government. The validity of the said permit was till 11/05/2020. He submits that the seized liquor was to be transported to Etanagar, Himachal Pradesh but on the way the applicant got disoriented and turned his vehicle towards Raipur road. At that time there was complete lock down due to Covid-

19 and therefore the applicant had to stop his vehicle at village Ramhepur, Police Station Kawardha (C.G.). The applicant is in jail since 19/04/2020, charge sheet has not yet been filed and trial is likely to take some time. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Having regard to the facts and circumstances of the case, the manner in which the liquor was seized from the applicant, the detention period of the applicant, without expressing any opinion on merits of the case, the application is allowed. It is directed that in the event of the applicant executing a personal bond for a sum of Rs. 50,000/- with two equivalent sureties 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)
Judge

Chandrakant