

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4819 of 2020**

- Jayant Banjare S/o Sitaram Banjare Aged About 20 Years R/o Camp No. 1, Shastrinagar Bhilai, Police Station Chawni, District Durg Chhattisgarh.,

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station Mahasamund , District Mahasamund Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Shubhank Tiwari, Advocate.
For State	:	Mr. D.K. Tiwari, Dy. Govt. Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****3-12-2020**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 29-6-2020 in connection with Crime No. 307 of 2020 registered in Police Station- Mahasamund, District Mahasamund (CG) for the offence punishable under Section 34(2) of the CG Excise Act.
2. The case of the prosecution is that the on receiving information, policy party conducted raid and on search they seized 918 liters of Goa Whiskey out of which the applicant who is driver of Car (Fortuner) bearing registration No. CG 04 HE 0003 was found in illegal possession of 558 liters of Goa Whisky and rest 360 liters of Goa Wishky was seized from another vehicle bearing registration No. MH 14BC 1151.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 29-6-2020 and till date charge-sheet has not been filed. He would further submit that no other criminal antecedents are reported against the applicant, the offence is triable by the Judicial Magistrate First Class and conclusion of the trial is likely to take some time, therefore, the applicant may be released on bail.
4. On the other hand, learned counsel for the State though opposes the bail application, after verification of the record, submit that except the present case, no other criminal antecedents are reported against the present applicant.
5. I have heard learned counsel for the parties and perused the record.
6. Considering all the facts and circumstances of the case, further considering the fact that the applicant is first offender and further considering the submission of the State counsel that except the present case, no other criminal antecedents are reported against the applicant and further considering the detention period of the applicant and the fact that conclusion of the trial may take some time, without expressing any opinion on merits of the case, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.1,00,000/- 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.

7. 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

Raju