

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7331 of 2020**

- Santosh Newle, S/o Bishoha Newle, aged about 38 Years, R/o Bade Temri Police Station Bori Tehsil and District Durg Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through District Magistrate, District Durg Chhattisgarh.

---- Respondent

For Applicant
For State

Shri Vijay Kumar Sahu, Advocate.
Shri Vimlesh Bajpai, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

08/12/2020

1. Learned counsel for the applicant submits that the default as pointed out by the Registry has already been removed.
2. Heard on admission.
3. The application is admitted for hearing.
4. With the consent of the parties, the matter is heard finally.
5. The applicant has preferred this application under Section 439 of Cr.P.C. as he is in jail since 08.09.2020 in connection with Crime No.60/2020 registered at Police Station Outpost (Litiya Semariya), Bori, District Durg, C.G. for the offence punishable under Section 34 (2) of the C.G. Excise Act.
6. Allegation against the applicant is that he was found in illegal

possession of 06 bulk litres of country made liquor (*Mahuwa*).

7. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 08.09.2020 and conclusion of trial is likely to take some time. He also submits that the applicant has no criminal antecedent.
8. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has no criminal antecedent.
9. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, the detention period of the applicant and the fact the applicant has no criminal antecedent as admitted by both the counsels and 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.50,000/- with two sureties of Rs.25,000/- each 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.
10. 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