

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8530 of 2020**

- Rajesh Kumar Jaiswal, S/o Krishna Kumar Jaiswal, aged about 37 Years, Occupation Service (Health Department), R/o Village Darima, Police Station Darima, District Surguja Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through the Incharge Officer, District Excise Department, Ambikapur District Surguja Chhattisgarh.

---- Respondent

For Applicant
For State

Shri Abhishek Pandey, Advocate.
Shri Devesh Verma, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

07/12/2020

1. Heard on admission.
2. The application is admitted for hearing.
3. With the consent of the parties, the matter is heard finally.
4. The applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.97/2020 registered at Excise Department, Ambikapur, District Surguja, C.G. for the offence punishable under Sections 34 (1)(A), 34 (2), 59 (A) and 36 of the C.G. Excise Act.
5. Allegation against the applicant is that he was found in illegal possession of 8.1 bulk litres of Goa Whisky Liquor.
6. Learned counsel for the applicant submits that the applicant has

been falsely implicated in this crime. He submits that applicant was arrested on 16.09.2020 and thereafter he was released on temporary bail/parole on 18.09.2020 for a period of 15 days expiring on 03.10.2020. However, the applicant is still on parole and conclusion of trial is likely to take some time. He also submits that the applicant has no criminal antecedent.

7. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has no criminal antecedent.
8. 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.
9. 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