

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7323 of 2020**

- Heeralal Bag, S/o Anand Bag, aged about 21 Years, Resident of Street No. 16, Near Durga Mandir Power House Bhilai, Tehsil and District Durg Chhattisgarh.

----Applicant

Versus

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

---- Respondent

For Applicant	Shri Vijay Kumar Sahu, Advocate.
For State	Shri Dinesh Tiwari, Deputy G.A.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****04/01/2021**

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 29.09.2020 in connection with Crime No.42/20 registered at Excise Circle Durg City West, District Durg, C.G. for the offence punishable under Sections 34 (1)(A), 34(2), 59(A) of the C.G. Excise Act.

6. Allegation against the applicant is that he was found in illegal possession of 5.76 bulk litres liquor (Golden Goa Deluxe Whisky).
7. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 29.09.2020 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