

(2018) 12 CHH CK 0101

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 9969 Of 2018

Nohar Sai Sahu

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Dec. 19, 2018

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Central Excise Act, 1944 - Section 34(2)

Hon'ble Judges: Gautam Chourdiya, J

Bench: Single Bench

Advocate: Yogesh Chandra, Anil S. Pandey

Final Decision: Allowed

Judgement

Gautam Chourdiya, J

The applicant has preferred this application under Section 439 of Cr.P.C. as he is in jail since 3.12.2018 in connection with Crime No.67/2018

registered in Police Station-Rajadevari, Distt. Balodabazar- Bhatapara (CG) for the offence punishable under Section 34(2) of CG Excise Act.

Allegation against the applicant is that he was found in illegal possession of 8.100 bulk liters of foreign liquor.

Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 3.12.2018, the

offence is triable by Magistrate and conclusion of trial is likely to take some time. He submits that the applicant has no criminal antecedents.

On the other hand, learned counsel for the State opposes the bail application. However, he admits that the applicant has no past criminal record.

Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of contraband, the detention period of the applicant and the fact 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.25,000/- with one surety 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.

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.