

**(2018) 12 CHH CK 0105**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 9948 Of 2018

Bhikham Singh Gond

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

**Date of Decision:** Dec. 19, 2018

**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 439
- Chhattisgarh Excise Act, 1915 - Section 34(1)(2), 59(A)

**Hon'ble Judges:** Gautam Chourdiya, J

**Bench:** Single Bench

**Advocate:** Vipin Singh, Neeraj Sharma

**Final Decision:** Allowed

**Judgement**

Gautam Chourdiya, J

1. The applicant has preferred this application under Section 439 of Cr.P.C. as he is in jail since 16.11.2018 in connection with Crime No 500/2018,

registered in Police Station- Outpost, Khudiya, Police Station- Lormi, District- Mungeli, (C.G.), District- Raipur (Chhattisgarh) for the offence

punishable under Section 34(1)(2), 59(A) of Chhattisgarh Excise Act.

2. Allegation against the applicant is that he was found in illegal possession of about 12.780 bulk litter country made liqueur.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 16.11.2018, the

offence is triable by the Magistrate and conclusion of trial is likely to take some time.

4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has no criminal antecedents.

5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of liquor, 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 her by the said Court, till disposal of the trial.

6. 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.