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**(2013) 05 CHH CK 0008**  
**In the Chhattisgarh High Court**  
**Case No : M.Cr.C. No. 1764 of 2013**

Deepak @ Chhuttan

APPELLANT

Vs

State of C.G.

RESPONDENT

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**Date of Decision :** 09-05-2013

**Acts Referred:**

**Citation :** (2013) 3 CGLJ 511

**Hon'ble Judges :** Prashant Kumar Mishra, J

**Bench :** Single Bench

**Advocate :** Uttam Pandey, for the Appellant; Ajay Dwivedi, Dy. G.A., for the Respondent

**Final Decision :** Allowed

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## Judgement

Prashant Kumar Mishra, J.—The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 46/2010 registered in Police Station Excise Circle Department Durg (C.G.) for offence punishable u/s 34(2) of the Excise Act. Applicant was arrested on 24/06/2010 for allegedly found in possession of 86.4 bulk liters of country made liquor. He was released on bail u/s 167(2) of Cr.P.C. as the Police could not file charge sheet within the stipulated time, however for his absence before the trial court in course of trial his bail bonds were cancelled and was arrested on 23rd May, 2012.

2. Learned counsel for the applicant would submit that the applicant is in jail since 23rd May, 2012 i.e. for almost a year, therefore he deserves to be released on bail.

3. Considering the fact that the offence is triable by JMFC and the maximum punishment which can be imposed is imprisonment for three years and the applicant has suffered almost one year of pre-trial detention, this court is inclined to release him on bail. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs. 50,000/- with one surety for the like amount to the satisfaction of the

trial Court. He is directed to appear before the trial court on each and every date given by the said Court.

Certified copy as per rules.