
(2019) 07 CHH CK 0037

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 4361 Of 2019

Madan Jatwar

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 04-07-2019

Acts Referred:

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

Citation : (2019) 07 CHH CK 0037

Hon'ble Judges : Gautam Chourdiya, J

Bench : Single Bench

Advocate : Manoj Kumar Jaiswal, Anant Bajpai

Final Decision : Allowed

Judgement

Gautam Chourdiya, J

1. Heard on admission.
2. The application is admitted for hearing.
3. With the consent of both the parties, the matter is heard finally.
4. This is the Second Bail Application under Section 439 of Cr.PC for grant of bail as the applicant is in jail since 12.05.2019 in connection with Crime No.223/2019 registered in Police Station Sarangarh, District Raigarh, C.G. for the offence punishable under Sections 34(2) & 59(A) of the Chhattisgarh Excise Act.
5. The earlier bail application of the applicant being MCRC No.3636 of 2019 was dismissed as withdrawn by this Court vide order dated 31.05.2019.
6. Allegation against the applicant is that he was found in illegal possession of total 7 bulk litres of country made liquor.
7. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. He further submits that the liquor has

not been seized from the exclusive conscious possession of the applicant. Lastly, he submits that the offence is triable by Judicial Magistrate First Class, nothing is required to be seized from the applicant and he is languishing in jail since 12.05.2019.

8. On the other hand, learned counsel for the State opposes the bail application.

9. 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. 50,000/- with two sureties 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.

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.