

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2905 of 2017**

- Videshi Ram Baghel S/o Phool Singh Baghel, Aged About 25 Years R/o Village Khapri Darbar, Police Station & Tahsil Chhuikhadan, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Chhuikhadan, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri Abhishek Sharma, Advocate
For Respondent/State	: Shri Ashutosh Pandey, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****06/06/2017**

1. Heard the matter finally.
2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.93/2017, registered at Police Station Chhuikhadan, Distt. Rajnandgaon(CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
3. Learned counsel for the applicant submits that the applicant is arrested on 14.4.2017 and after investigation police had filed the charge sheet before the Additional Chief Judicial Magistrate, Khairagarh, District Rajnandgaon as Cr. Case No. 234/2017. As

per allegations from the possession of the applicant 16.500 bulk liters of handmade country liquor has been seized. He submits that as per offence registered against the applicant Crime No. 95/2005 under Section 34(1) (a) of the Chhattisgarh Excise Act, 1915 was bailable one. The applicant had admitted guilt before the Principal Magistrate, Juvenile Justice Board, Rajnandgaon (CG). The said Board convicted the applicant in accordance with law. In another matter in relation to Crime No.109/2016, the applicant has been granted bail in MCRC No. 3468/2016 by this Court on 9th June, 2016 and in the said matter charges have been framed for illicit possession of 16.500 bulk liters of handmade country liquor. In the trial PW1 Jeevan Tiwari and PW2 Manthir have declared hostile and they have not supported the case of prosecution, hence, the said criminal antecedent is under cloud of suspicion. He further submits that the applicant will not commit any offence in future, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application on the basis of quantity so seized from the possession of the applicant and the 2 aforementioned criminal antecedents of the applicant.

5. I have heard the counsel appearing for the parties and perused the material.

6. Considering the totality of the facts and circumstances of the case, the applicant is in detention since 1 month and 24 days; charge sheet has been filed; trial may take some time and after consideration of the documents submitted on behalf of the applicant in support of their arguments, though the quantity so seized is on the higher side, I am inclined to grant last opportunity to the applicant so that he shall not involve in any of the offence and shall remain in the society peacefully.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the A.C.J.M. Rajnandgaon for his appearance before the said trial Court as and when directed till trial.

9. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any

sufficient and cogent reason. If bail is cancelled automatically in view of the above , the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

Sd/
(Chandra Bhushan Bajpai)
VACATION JUDGE