

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2377 of 2017**

- Dinkar Singh S/o Ashok Singh, Aged About 24 Years R/o Village Basoda, Police Station Mada, District Singrauli, Madhya Pradesh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Chandni, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Shri Keshav Prasad Gupta, Advocate
 For Respondent/State : Shri UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****02.5.2017**

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.07/2017 registered in Police Station Chandni, Distt. Surajpur for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicant submits that the applicant has been arrested on 09.3.2017, after investigation, charge sheet has been filed before Chief Judicial Magistrate, Surajpur as Criminal Case No.1582/2017. The applicant is the first offender, as per the allegation, 8.100 bulk liters of country made liquor has been seized from the possession of the present applicant. He further submits that

the applicant will not commit any offence in future, hence, he may be granted bail.

4. Per contra , learned counsel for the State opposes the bail application and would fairly submit Chandni Police has not reported any criminal antecedent of the present applicant, who is the permanent resident of Singrauli (MP).

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for one month twenty days, he is first offender, I am inclined to grant one opportunity to the applicant, so that he shall not commit any similar or other offence in future.

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 solvent sureties of Rs.25,000/- each to the satisfaction of Chief Judicial Magistrate, Surajpur for his appearance before the said Court as and when directed.

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)

JUDGE

Bini