

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5060 of 2017**

- Vinod Kumar Patel S/o Shri Panik Ram Patel Aged About 32 Years R/o Village Chaple, Police Station And Tahsil Kharsiya, District- Raigarh. Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station Kharsiya, District Raigarh, Chhattisgarh.

---- Non-applicant

For Applicant	: Shri R.N. Jha, Advocate.
For Respondent/State	: Shri Waseem Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****28.08.2017**

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. 242/2017 registered in Police Station Kharsiya, Distt. Raigarh (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 12.07.2017. Charge-sheet is not yet filed, the applicant has been remanded by Cheif Judicial Magistrate, Raigarh. As per allegation, 9.400 bulk liters of handmade country liquor / foreign liquor has been seized from the possession of the applicant. He is the first offender, he will not commit any offence in future, as the trail may take some time for its conclusion, he may be granted bail.
4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant on the basis of the quantity of liquor so seized from the applicant and also as earlier crime No. 2/16 under Section 34 Sub-section (1) (a) of the Chhattisgarh Excise Act, 1915, registered against the applicant..
5. Perused the entire material.
6. The applicant is in custody for one month and sixteen days till date, charge sheet has been filed, he is the first offender, the trail may take some time for its conclusion, though earlier the applicant involved in the matter which was aailable one, on consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he will not commit any offence in future and shall remain peacefully in the society.
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. 40,000/- with one solvent surety of like sum amount to the satisfaction of Chief Judicial Magistrate, Raigarh, 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; (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.
10. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge