

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1565 of 2017**

- Ramchandra Nishad S/o Puluram Nishad, Aged About 25 Years
R/o Kujji, Thana & Tahsil Dongargaon, District Rajnandgaon,
Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Thana Dongargaon, District
Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri Anil Gulati, Advocate
For Respondent/State	: Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****03/4/2017**

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. 62/2017 registered at Police Station Dongargaon, Distt. Rajnandgaon for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that the applicant was found in possession of 16.380 liters of duty paid liquor and it was seized by the police from the present applicant. Charge sheet is not yet filed.

4. Learned counsel for the applicant submits that the applicant is in detention since 13.2.2017. He further submits that the applicant will not commit any offence in future, therefore, he may be granted an opportunity to remain on bail during trial. Presently, he is in jail since more than 1 ½ months.

5. On the other hand, learned counsel for the State opposes the bail application. He submits that between 2010-2016 one criminal case under Section 36 (c) and one criminal case under Section 34 (1) of the Excise Act in Crime No. 85/2016 and one matter under Section 13 of the Gambling Act are pending against the applicant and in 3 cases the Police proceeded against the applicant under Sections 107, 116 Cr.P.C. Though there is no material to demonstrate the fate of said criminal cases instituted, but this goes to show the earlier criminal antecedents of the applicant, hence, the bail application may be dismissed.

6. I have heard the counsel appearing for the parties.

7. On due consideration, as the applicant is in jail since more than 1 ½ months, I am inclined to grant last opportunity to the applicant so that he may remain in the society without committing any offence.

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

9. 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 C.J.M.

Rajnandgaon in Crime No.62/2017 for his appearance before the said trial Court as and when directed.

10. 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