

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1664 of 2017**

- Janak Narang S/o Bisauha Narang Aged About 45 Years Caste-Satnami R/o Village Near Jaystambh Chowk, Pacheda, Thana Khallari , Tahsil- Bagbahara District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Excise Officer, Excise Circle- Mahasamund, District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Shri Vikas Pradhan, Advocate
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****29.3.2017**

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. 363/2017 registered in Police Station Excise Circle Mahasamund 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 in illicit possession of 45 bulk liters of country made liquor and the same was seized by the police from the present applicant.

4. Learned counsel for the applicant submits that the applicant is in detention since 22.02.2017, he was remanded by the Chief Judicial Magistrate, Mahasamund and the charge sheet is yet to

be filed. He further submits that applicant has no criminal background and has been falsely implicated in the case, and therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application and would fairly submit that earlier Crime No.184/2016 under Section 34(1)(a) of the Excise Act has been registered against the present applicant, hence, the application may be dismissed.

6. Perused the material.

7. On due consideration regarding the offence earlier registered against the present applicant, in absence of further clarification in it and also for the offence committed for the first time, I am inclined to grant last opportunity to the applicant so that he may live in the society without committing any further offence of similar nature.

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 one surety in the like sum to the satisfaction of Chief Judicial Magistrate, Mahasamund for his appearance before the said 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