

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1704 of 2017**

- Shamshad Ali S/o Shabaan Ali, Aged About 19 Years Occupation Student, R/o Rajeev Gandhi Nagar, Chowki Jutemill, Raigarh, Police Station City Kotwali, District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Chowki Jutemill, Raigarh, Police Station City Kotwali, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Shri Abhishek Saraf, Advocate
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****28.3.2017**

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. 98/2017 registered in Police Station City Kotwali, District Raigarh for the offence punishable under Sections 34(1) (A-2) read with 59(A) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that the applicant was in illicit possession of 6.480 bulk liters of duty paid 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 24.02.2017 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 as per the case diary, no criminal antecedent is reported against the applicant.

6. Perused the material.

7. On due consideration, considering the totality of the facts and circumstances of the case, small quantity of liquor and also considering the fact that the applicant is in detention since 24.02.2017, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

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.25,000/- with one surety in the like sum to the satisfaction of Chief Judicial Magistrate, Raigarh 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