

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1853 of 2017**

- Chandrapal Bharti S/o Jugul Bharti Aged About 32 Years R/o Mogarvay, Police Station Sahaspur Lohara, District Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sahaspur Lohara District Kabirdham, Chhattisgarh.

---- Respondent

For Applicant	: Shri Ajay Ayachi, 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.04/2017 registered at Police Station Sahaspur Lohara, District Kabirdham (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that 18.00 bulk liters of duty paid country made liquor was seized by the police from the conscious possession of the present applicant.

4. Learned counsel for the applicant submits that the applicant has been arrested on 4.1.2017. He submits that charge sheet has been filed before the C.J.M. Kawardha (Kabirdham) in Cr. Case No. 122/17. He submits that the 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. However, he fairly submitted that the prosecution had not collected or shown any earlier criminal antecedent regarding the applicant.

6. I have heard the counsel appearing for the parties and perused the material.

7. Without commenting on merits, considering the totality of the facts and circumstances of the case, quantity of liquor and also considering the fact that the applicant is in detention since 4.1.2017, 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.40,000/- with one surety in the like sum to the satisfaction of the C.J.M. Kawardha in Cr. Case No. 122/17 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**