

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1836 of 2017**

- Ravi Kumar Gupta S/o Shri Suresh Kumar Gupta, Aged About 28 Years R/o Kabeer Nagar, Raipur, Tahsil & District Raipur, Chhattisgarh. Original Resident Of Main Road, Chandwa, Behind Devi Mandir, P.S. Chandwa, District Latehar, Jharkhand.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Ganj, Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri N. Naha Roy, Advocate
For Respondent/State	: Shri Wasim Miyan, 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.10/2017 registered in Police Station Ganj, Distt. Raipur 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 180 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 21.02.2017, charge sheet has been filed and

was remanded by Judicial Magistrate First Class Raipur. 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 except this no other criminal case is reported against the present applicant.

6. Perused the material.

7. On due consideration of the fact that the applicant is in jail since about 1 ½ months, he is first offender, aged about 28 years, though the liquor so sized was on higher side, I am inclined to grant him last opportunity to remain in society.

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.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of Judicial Magistrate First Class, Ganj Distt. Raipur 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