

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1748 of 2017**

- Deva Yadav S/o Mohan Yadav, Aged About 19 Years R/o Siltara, Police Station- Bori, Civil And Revenue District- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through, Station House Officer, Police Station-Bori, District- Durg, Chhattisgarh.

---- Respondent

For Applicant	: Shri SK Agrawal, Advocate
For Respondent/State	: Shri Neeraj Sharma, Dy. Govt. Advocate

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. 11/2017 registered in Police Station Bori, District Durg 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 6.120 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 22.01.2017. Charge sheet has been filed

before the Chief Judicial Magistrate, and subsequently transferred to Judicial Magistrate First Class, Durg. The applicant is aged about 19 years and 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, and also considering the age of the applicant, small quantity of liquor and also considering the fact that the applicant is in detention since 22.01.2017, 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.20,000/- with one surety in the like sum to the satisfaction of Judicial Magistrate First Class, Durg 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