

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1749 of 2017**

- Ravi Kaushik S/o Makhan Kaushik, Aged About 30 Years R/o Village- Gothiya, Thana- Kawardha, District- Kabeerdham, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through: Thana - Kawardha, District- Kabeerdham, Chhattisgarh.

---- Respondent

For Applicant	: Shri Satyam SS Shukla, 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.44/17 registered in Police Station Kawardha Distt. Kabeerdham 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 9.360 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 26.02.2017 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 submit that Crime No.250/14 has been registered against the present applicant for the offence under Section 13 of the Gambling Act, charge sheet was duly filed before the concerned criminal court and also Crime No.379/15 under Section 34(2) of the CG Excise Act has been registered against the applicant as he was in illegal custody of 12.600 liters of country made liquor in which charge sheet has been filed before Chief Judicial Magistrate, Raipur.

6. Perused the material.

7. On due consideration, looking to the entire facts and circumstances, this Court inclines to grant last opportunity to the applicant so that he may remain in the society without committing any 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, Kabeerdham (Kawardha) 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