

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1827 of 2017**

- Rahul Baghel s/o Ramesh Baghel, Aged About 22 Years R/o Ward No. 46, Club Chauk Basantpur Police Station Basantpur, District- Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through: The Police Station Basantpur, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri S.K. Baghel, Advocate
For Respondent/State	: Shri NK Mehta, 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. 69/2017 registered at Police Station Basantpur, Distt. Rajnandgaon for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that 10.800 liters of duty paid liquor was seized by the police from the possession of the present applicant.

4. Learned counsel for the applicant submits that the applicant is the first offender and he is in detention since 27.2.2017. 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. He submits that as per the facts surfaced in the case diary, an offence under Section 13 of the Gambling Act has been registered as Crime No. 230/2015 against the present applicant.

6. I have heard the counsel appearing for the parties.

7. On due consideration, as the applicant is in jail since 27.2.2017, I am inclined to grant an opportunity to the applicant so that he may remain in the society without committing any offence.

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 of the like sum to the satisfaction of the C.J.M. Rajnandgaon 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**