

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1784 of 2017**

- Kanhaiya Sahu S/o Budharuram, Aged About 22 Years R/o Village Bamhani, Thana Mahasamund, Tahsil And District Mahasamund Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali Mahasamund District Mahasamund Chhattisgarh

---- Respondent

For Applicant : Shri Vikas Pradhan, Advocate
 For Respondent/State : Shri Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****29.3.2017**

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. 121/2017 registered in Police Station City Kotwali, Mahasamund for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that the applicant along with co-accused Tiharu Satnami were transporting of 46.800 bulk liters of country made liquor in motor cycle bearing registration No.CG 06 D 0805 and the same was seized by the police.

4. Learned counsel for the applicant submits that the applicant was arrested on 04.3.2017 by the police of City Kotwali, Mahasamund, and the charge sheet is yet to be filed. Except the present case, no other criminal case has been registered against the applicant. Hence, he may be granted bail.

5. On the other hand, learned counsel for the State opposes the bail application and would fairly submits that as per the case diary, no criminal antecedent is reported against the present applicant.

6. Perused the material.

7. On due consideration, considering the totality of the facts and circumstances of the case and the applicant is in detention since 28.02.2017, and also as the applicant along with co-accused were in joint possession of the liquor so seized, 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.1,00,000/- with one surety in the like sum to the satisfaction of Chief Judicial Magistrate, Mahasamund 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