

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1785 of 2017**

- Parmanand Alias Mithun Ratre S/o Bhagvali Ratre Aged About 32 Years R/o- Ward No. 8, Bamhani, Thana - Tahsil And District- Mahaasamund, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Excise Officer, Excise Circle- 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. 247/2016 registered in Police Station Excise Circle, Mahasamund for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that 53 bulk liters liquor was seized from the house of the applicant.

4. Learned counsel for the applicant submits that the applicant is in detention since 27.10.2016, he is the first offender, he will not commit any offence in future, he is in jail for the last five months. Hence, he may be granted 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 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 27.10.2016, 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

Bini