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**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1788 of 2017**

- Deepak Gupta s/o Rajaram Gupta, Aged About 27 Years R/o, House No. 1153, Pandritarai, Near Dr. Shyama Mukherjee School, Gandhi Nagar, Police Station Civil Lines, District- Raipur, Chhattisgarh. Mo. No. 9479003446

---- Applicant

**Versus**

- State Of Chhattisgarh Through : Station House Officer, Police Station- Moudhapara, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

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| For Applicant        | : Shri C.R. Sahu, Advocate   |
| For Respondent/State | : Shri Neeraj Sharma, Dy. GA |

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**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. 131/2015 registered at Police Station Mohdhapara, Raipur, Distt. Raipur (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that 135 bulk liters of country made liquor was seized by the police from the present applicant along with another co accused. Charge sheet has been filed.

4. Learned counsel for the applicant submits that the other co-accused Sanjeev Sahu @ Pintu has been granted bail by this Court vide order dated 23.11.2015 in MCRC No.6243/2015 and the applicant is in detention since 28.2.2017. He prays that 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 the applicant was absconding, he was arrested on account of issuance of warrant of arrest, with this, the matter is pending since 2015 though there is no criminal antecedent reported.

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

7. Without commenting on merits, considering the totality of the facts and circumstances of the case, the applicant is in detention since 28.2.2017, charge sheet has been filed, the co-accused is stated as driver of the vehicle No. CG 04 H 7638, after consideration of the entire material, I am inclined to grant one last opportunity to the applicant.

8. Consequently, 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 two solvent sureties in the like sum to the satisfaction of the concerned trial court 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**