

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1832 of 2017**

- Nepal Singh S/o Manuram Sonwani, Aged About 63 Years R/o Giraudpuri, Chowk Giraudpuri, Police Station Gidhauri, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Gidhauri, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Shri Yogesh Chandra, Advocate
 For Respondent/State : Shri Anant Bajpai, 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.50/2017 registered in Police Station Gidhauri, District Baloda Bazar, Bhatapara 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 5.76 bulk liters of duty paid 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 03.3.2017, he was remanded by the Chief Judicial Magistrate, Baloda Bazar and the charge sheet is yet to

be filed. 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 and would fairly submit that four complaint cases have already been instituted against the present applicant for preventive action under Section 107 and 116(3) of the Cr.P.C. hence, the application may be dismissed.

6. Perused the material.

7. On due consideration of the fact that the applicant is in jail since about a month, the liquor so seized was only small quantity, I am inclined to grant bail to the applicant.

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 in the like sum to the satisfaction of Chief Judicial Magistrate, Baloda Bazar 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