

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1881 of 2017**

- Kamlesh Kumar Thakur S/o Suraj @ Indradev Aged About 31 Years R/o Kholipara, Police Station Gobra Nayapara, Tahsil & District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gobra Nayapar, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri A.D. Kuldeep, Advocate
For Respondent/State	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****04/4/2017**

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.52/2017 registered at Police Station Gobra Nayapara, District Raipur (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that 25.560 bulk liters of liquor was seized by the police from the present applicant.

4. Learned counsel for the applicant submits that charge sheet has not been filed. The applicant is in jail as JMFC, Raipur has remanded the matter. He submits that present applicant and one Shemshar was carrying in total 25.560 Bulk Litres of liquor on a motorcycle No.CG 04 DF 9726. The applicant has no criminal background and will not commit any similar offence in future 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 the applicant is permanent resident of district Aurangabad, Bihar. However, he fairly conceded that there is no similar offence registered against the present applicant.

6. I have heard the counsel appearing for the parties and perused the material.

7. Without commenting on merits, considering the totality of the facts and circumstances of the case, quantity of liquor and also considering the fact that the applicant is in detention since 04.03.2017, 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 two sureties of Rs.50,000/- each to the satisfaction of the JMFC,

Raipur (CG) 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