

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2042 of 2017**

- Sushil Kumar S/o Kallu Ram @ Anesh Ram Sarthi, Aged About 22 Years R/o Village R.T.I. Colony Vishrampur, Police Station Vishrampur, District Surajpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Vishrampur, District Surajpur Chhattisgarh

---- Respondent

For Applicant	: Shri Ashok Kumar Shukla, Advocate
For Respondent/State	: Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17.4.2017**

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.53/2017 registered in Police Station Vishrampur, District Surajpur for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicant submits that the applicant has been arrested on 05.3.2017, after investigation charge sheet has been filed against the applicant before Chief Judicial Magistrate, Surajpur which is pending as Criminal Case No.171/2017. As per the allegation, 7 liters of country made liquor has been seized from the conscious possession of the

applicant, he is first offender, he has been falsely implicated in crime in question, hence he may be released on bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would fairly submits that no criminal antecedent is reported against the applicant.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for about one month, he is first offender and also considering the small quantity of the liquor seized, this Court is of the view that this is a fit case to grant bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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 solvent surety in the like sum to the satisfaction of Chief Judicial Magistrate, Surjapur for his appearance before the said Court as and when directed.

9. 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