

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2132 of 2017**

- Laxman Sahu S/o Gendlal @ Lakhan Sahu, Aged About 26 Years R/o Bajranj Chowk, Rawabhata, Police Station Khamtarai, Civil And Revenue District Raipur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Khamtarai, District Raipur Chhattisgarh

---- Respondent

For Applicant	: Ms. Soniya Kuldeep, Advocate on behalf of Shri G.L Verma, Advocate
For Respondent/State	: Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****12.4.2017**

1. Learned counsel for the applicant submits that in light of Rule 261 of the High Court of Chhattisgarh Rules, 2007, she shall file her memo to represent the applicant during the course of the day and the matter may be heard finally.
2. The statement of the counsel is recorded.
3. Heard the matter finally.
4. 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.514/2016 registered at Police Station

Khamtarai, Distt. Raipur (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

5. Case of the prosecution, in brief, is that 7.200 bulk liters of duty paid foreign liquor was seized by the police from the present applicant.

6. Learned counsel for the applicant submits that the applicant is in detention since 14.11.2016. The police had filed charge sheet and the case is pending before the CJM, Raipur which is registered as Cr. Case No.22965/2016. 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.

7. On the other hand, learned counsel for the State opposes the bail application. However, he fairly conceded that there is no material against the applicant for involvement in any of similar offence or other offence prior to the present incident.

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

9. Without commenting on merits, considering the totality of the facts and circumstances of the case, small quantity of liquor and also considering the fact that the applicant is in detention since 14.11.2016, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

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

11. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.30,000/- with one surety in the like sum to the satisfaction of the CJM, Raipur for his appearance before the said trial Court as and when directed.

12. 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**