

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2034 of 2017**

- Gitesh Sahu @ Bauwa @ Jitesh Sahu S/o Shri Sukhram Sahu Aged About 22 Years R/o Jalampur, Shankar Nagar Diwan Talabpara, Dhamtari, District Dhamtari, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station City Kotwali, Dhamtari, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	: Shri Anil Gulati, Advocate
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11.4.2017**

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.28/2017 registered in Police Station City Kotwali, Dhamtari 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 03.3.2017 and after investigation, police has filed charge sheet before the Chief Judicial Magistrate, Dhamtari and the case is pending as Criminal Case No.204/2017. As per the allegation, the applicant was in conscious possession 10.440 liters of country liquor. He is the first offender, he has been falsely

implicated in the case, therefore, the applicant may be released on bail.

4. Per contra, learned counsel for the State opposed the arguments advanced and would fairly submit that there is no criminal antecedent reported against the present applicant.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail since about a month and also considering the fact that there is no criminal antecedent against the applicant, I am inclined 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.30,000/- with one surety in the like sum to the satisfaction of Chief Judicial Magistrate, Dhamtari 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