

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2056 of 2017**

- Itwari Kothle S/o Shri Sunderlal Kothle, Aged About 46 Years R/o Near Milan Kirana Store, Bhatapara, Devpuri, Police Station Tikrapara, Raipur, Civil & Revenue District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Tikrapara, Raipur, Civil & Revenue District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri Adil Minhaj, Advocate
 For Respondent/State : Shri Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****27.4.2017**

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.126/2017 registered in Police Station Tikrapara, Raipur 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 charge sheet has been filed before Chief Judicial Magistrate, Raipur which has been registered as Criminal Case No.2948/2017, the applicant is the first offender, and as per the allegation, 5.760 liters of foreign

liquor has been seized from the applicant. The applicant will not commit any offence in future, hence, he may be granted bail.

4. Learned counsel for the State opposes the bail application and would submit earlier Crime No. 761/12 for the offence under Sections 294, 506, 34 of the IPC has been registered against the applicant, which shows the criminal antecedent of the applicant, hence, his bail application may be dismissed.

5. Perused the entire material.

6. On due consideration of the fact that charge sheet has been filed, he is in jail for one month and twenty two days and also considering the quantity of liquor so seized from the applicant, I am inclined to grant one last opportunity to the applicant, so that he will not commit similar or any other offence in future.

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 surety in the like sum to the satisfaction of Chief Judicial Magistrate, Raipur 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