

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2115 of 2017**

- Sonu @ Dilip Yadav S/o Mahavir Yadav Aged About 25 Years R/o Vivekanand Nagar, Yadav Mohalla, Shantinagar Bhilai, Police Station Supela, Civil & Revenue District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Supela, District Durg, Chhattisgarh.

---- Respondent

For Applicant	: Shri CR Sahu, Advocate
For Respondent/State	: Shri UKS Chandel, Panel Lawyer

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

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.167/2017 registered in Police Station Supela, Distt. Durg 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 01.3.2017, charge sheet is yet to be filed and the case is remanded by Chief Judicial Magistrate, Durg. As per the allegation, 6.300 liters of liquor was seized from the conscious possession of the applicant. He is the first offender, he

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

4. Learned counsel for the State opposes the bail application and would fairly submit that Police of Supela has not shown any criminal antecedent of the applicant with his involvement of similar or any other offence.

5. Perused the material.

6. On due consideration of the fact that the applicant is in jail for about a month, the liquor so seized was only small quantity, 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.25,000/- with one surety in the like sum to the satisfaction of Chief Judicial Magistrate, Durg 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