

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2203 of 2017**

- Anurag Singh S/o Shri Harishankar Singh, Aged About 32 Years R/o Kanhapur, Police Station Barsathi, District- Jaunpur, Uttarpradesh, Presently R/o. Main Road, Surajpur, PS and Distt. Surajpur.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bishrampur, District Surguja, Chhattisgarh

---- Respondent

For Applicant	: Ms. Sareena Khan, Advocate
For Respondent/State	: Shri Anil S Pandey, Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****18.4.2017**

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.70/2017 registered in Police Station Bishrampur, Distt. 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 20.3.2017, charge sheet is yet to be filed and is remanded by Chief Judicial Magistrate, Surajpur. As per the allegation, 7.800 liters of Beer and 8.625 liters of liquor has been seized from the conscious possession of the applicant and also one motor cycle Hero HF Delux bearing registration No. CG

10 S 4201 was also seized from the applicant. The applicant is the first offender, he will not commit any offence in future, he is in jail for about one month, 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 submit that no criminal antecedent is reported against the present applicant, but he is permanent resident of District Jaunpur (UP).

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for about one month, considering the liquor so seized including beer from the applicant, I am inclined to grant one last opportunity to the applicant so that he may remain in the society without committing any further 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.50,000/- with two solvent surety of Rs.25,000/- each to the satisfaction of Chief Judicial Magistrate, Surajpur 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