

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2244 of 2017**

- Palan S/o Premdas Satnam Aged About 23 Years R/o Sodhar, Police Station- Jarhagaon, Civil District- Bilaspur, Revenue District Mungeli, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Jarhagaon, Civil District- Bilaspur, Revenue District- Mungeli, Chhattisgarh.

---- Respondent

For Applicant	: Shri Pallav Mishra, Advocate
For Respondent/State	: Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****16.5.2017**

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.56/2017 registered in Police Station Jarhagaon, Civil District Bilaspur 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 16.3.2017, charge sheet is not yet filed and the applicant has been remanded by Chief Judicial Magistrate, Mungeli. The applicant is the first offender, as per the allegation, 5.220 bulk liters of country made liquor has been seized from kirana shop of the applicant. He will not commit any offence in future, he may be

granted bail as the trial may take sometime for its conclusion. In addition learned counsel for the applicant would submit that earlier in nine cases the applicant has been convicted with fine sentences only by the concerned court which are as under:

Sl. No.	Offence U/S.	Criminal Case No.	Judgment dt.
01.	36A of the Chhattisgarh Excise Act, 1915	543/2014	11.6.2014
02.		181/2015	13.3.2015
03.		860/15	02.9.2015
04.		188/2016	18.2.2016
05.		688/2016	17.6.2016
06	36F of the Chhattisgarh Excise Act, 1915	761/2016	27.6.2016
07		959/2016	10.8.2016
08		1250/2016	22.10.2016
09		166/2017	14.02.2017

The applicant is aged about 23 years, hereafter the applicant will not commit any offence in future, he may be granted last opportunity to remain on bail during trial. He also submits that in another matter pointed out by the respondent/State was regarding preventive proceedings where the seized liquor was below five liters. His case may be considered and he may be granted an opportunity.

4. Per contra , learned counsel for the State opposes arguments advanced on behalf of the applicant and would submit that looking to the large number of criminal cases registered against the applicant, though they are petty in nature, it appears that the applicant is badly involved in illegal sale of liquor. Though quantity in present case is not on higher side, but looking to the entire facts, his application for bail may be dismissed.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for two months, charge sheet is not yet filed, trial may take sometime, though many cases in relation with Section 36A, 36 F and 34(1)(a) of the Act, 1915 has been registered against the applicant along with other preventive matter and the applicant was convicted and punished with fine penalty as aforementioned, looking to the age of the applicant, period of detention and with the fact that the quantity of liquor so seized is not on higher side, I am inclined to grant one last opportunity to the applicant, so that he shall not commit any similar or 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.1,00,000/- with two solvent sureties of Rs. 50,000/- each to the satisfaction of Chief Judicial Magistrate, Mungeli 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.

10. It is further directed that till the conclusion of the trial, present applicant shall mark his appearance before the Station House Officer/IO, Police Station Jarhagaon on **every Monday of each month at 11.00 am.**

11. It is further made clear that if the applicant without any cogent and proper reason does not appear before the Police of Jarhagaon, Distt. Mungeli, as directed, the concerned police may inform the trial Court for the act and if his appearance found to be without any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

12. Registrar (Judl.) is further directed to send a copy of the order to the concerned Chief Judicial Magistrate and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE