

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2206 of 2017**

- Prakash Sori S/o Shri Ganesh Aged About 34 Years R/o Village Narra, Police Station & District Balod, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O.- Police Station Balod, District- Balod, Chhattisgarh.

---- Respondent

For Applicant	: Shri Vijay Kumar Sahu, Advocate
For Respondent/State	: Shri Arvind Shukla, Panel Lawyer

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.04/2017 registered in Police Station Balod, Distt. Balod 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 18.3.2017, charge sheet is yet to be filed and is remanded by Chief Judicial Magistrate, Balod. As per the allegation, 12.780 liters of liquor has been seized from the conscious possession of the applicant. As per the prosecution story, he left the said liquor in the forest and ran away from the spot, subsequently, he was arrested. 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 earlier four preventive proceedings under Section 107 and 116 of the Cr.P.C. have been initiated against the applicant, though there was no involvement of the applicant noticed against him in similar offence.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for about one month, considering the quantity of liquor so seized from the applicant and also considering that there was no involvement regarding similar offence, 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.30,000/- with one solvent surety in the like sum to the satisfaction of Chief Judicial Magistrate, Balod 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