

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2150 of 2017**

- Maheshwar Verma S/o Takendra Verma, Aged About 18 Years 22 Days R/o Village Semhara, O.P. Mohara, Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The O.P. Mohara, Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri Shaleen Singh Baghel, Advocate
For Respondent/State	: Shri Vinod Tekam, 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.90/2017 registered in Police Station Outpost Mohara, Dongargarh for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 23.3.2017, charge sheet is yet to be filed and is remanded by Chief Judicial Magistrate, Rajnandgaon. As per the allegation, 8.640 bulk liter liquor has been seized from the conscious possession of the applicant, he is the first offender, he

will not commit any offence in future, 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 there is no criminal antecedent reported against the applicant in the case diary.

5. Perused the entire material.

6. On due consideration, looking to the fact that the applicant is in jail for almost a month, and is aged about 18 years, he is the first offender and also after consideration of the quantity of liquor so seized, 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, Rajnandgaon 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