

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2126 of 2017**

- Ramesh Singh S/o Late Nagendra Singh, Aged About 38 Years
R/o Chamarhara, Police Station & Post Manhar, District Vaishali,
Bihar, Presently R/o Shweta Colony, Mandir Hasaud, Police
Station Mandir Hasaud, District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station- Mandir Hasaud,
District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Shishir Dixit, Advocate
For Respondent/State	: Shri Wasim Miyam, Panel Lawyer

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

1. 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.89/2017 registered at Police Station
Mandir Hasaud, Distt. Raipur (CG) for the offence punishable
under Section 34(2) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that 15.120 bulk liters of
duty paid foreign liquor was seized by the police from the present
applicant.

4. Learned counsel for the applicant submits that the applicant is in detention since 18.3.2017. Charge sheet is not yet filed and the matter is under investigation. The applicant is remanded by JMFC, Raipur. He further submits that applicant will not commit any offence in future, therefore, he may be granted an opportunity to remain on bail.

5. On the other hand, learned counsel for the State opposes the bail application. He submits that earlier also Crime No. 215/2016 under Section 34(2) of the Excise Act is registered against the present applicant, goes to show his earlier criminal antecedent.

6. I have heard the counsel appearing for the parties and perused the material.

7. Without commenting on merits, considering the facts and circumstances of the case, quantity of liquor and also considering the fact that the applicant is in detention since 18.3.2017, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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 sureties of Rs.25,000/- each to the satisfaction of the JMFC,

Raipur for his appearance before the said trial Court as and when directed.

10 . 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**