

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2153 of 2017**

- Kanshiram Dhruv S/o Biselal Dhruv, Aged About 27 Years R/o Village Parsada Khatti, Police Station & Post Office Bhimkhoj, District Mahasamund Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Fingeshwar, District Gariyaband Chhattisgarh

---- Respondent

For Applicant	: Shri Shivendu Pandya , Advocate
For Respondent/State	: Shri UKS Chandel, Panel Lawyer

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

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. 22/2017 registered at Police Station Fingeshwar, Distt. Gariyaband, Civil District Raipur(CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that 6.480 liters of country made liquor was seized by the police from the present

applicant along with motorcycle No. CG06 D 4809, cash amount of Rs.710/- and one mobile phone.

4. Learned counsel for the applicant submits that the applicant is in detention since 23.2.2017. He further submits that after investigation police had filed the charge sheet, which is pending as Cr. Case No. 256/2017 before the C.J.M. Gariyaband. The applicant is the first offender and has been falsely implicated in the case, and therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. However, he fairly submitted that Gariyaband Police had not noticed any earlier criminal antecedent against the present applicant.

6. I have heard the counsel appearing for the parties.

7. Without commenting on merits, considering the totality of the facts and circumstances of the case, small quantity of liquor and also considering the fact that the applicant is in detention since 23.2.2017, 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.25,000/- with one surety in the like sum to the satisfaction of the C.J.M. Gariyaband

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**