

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2152 of 2017**

- Bhola Dahariya S/o Amardeep Dahariya, Aged About 34 Years
R/o Village Tekari, Police Station Mujgahan, Revenue And Civil
District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through : The Station House Officer
Police Station Mujgahan, Revenue And Civil District- Raipur,
Chhattisgarh.

---- Respondent

For Applicant	: Shri AP Sharma, 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.46/2017 registered in Police Station Mujgahan, Distt. Raipur 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 02.3.2017, after investigation, police has filed charge sheet which is pending before the Chief Judicial Magistrate, Raipur as Criminal Case No.2925/2017. As per the allegation, 9.720 bulk liter foreign 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 in the year 2007 offence under Section 34(1)(a) of the Excise Act, and two other matters in the year 2007 and 2008 have been registered for preventive action against the applicant under Section 107 & 116 of Cr.P.C., hence, looking to the criminal antecedent, the application may be dismissed.

5. Perused the entire material.

6. On due consideration, looking to the fact that the applicant is in jail for about 1 ½ months, though in the years 2007 and 2008 there were two matters for preventive action registered against present applicant and one matter was under Section 34(1)(a) of the Excise Act has been registered against him, considering the fact that investigation has been completed and charge sheet has been filed, 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 trial Court 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