

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2305 of 2017**

- Kiran Anand @ Chhotu S/o Dhannu Prasad Anand, Aged About 22 Years R/o Village Ameri, Police Station Chakarbhata, Tehsil And District Bilaspur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Chakarbhata District Bilaspur Chhattisgarh

---- Respondent

For Applicant	: Shri Mahendra Dubey, Advocate
For Respondent/State	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****26.4.2017**

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.83/2017 registered at Police Station Chakarbhata, Distt. Bilaspur (CG) for the offence punishable under Sections 34(2-A), 59(A) of the Chhattisgarh Excise Act, 1915.
3. Case of the prosecution, in brief, is that 14 liters country made liquor was seized by the police from the present applicant along with two wheeler CG 10 AB 9443.

4. Learned counsel for the applicant submits that the applicant is in detention since 22/03/2017. He further submits that applicant has no criminal background 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. He submits that earlier crime no.82/2017 under Section 34 (1) (a) of the CG Excise Act, 1915 has been registered against the present applicant, goes to show his involvement in the similar offence.

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

7. Without commenting on merits, considering the totality of the facts and circumstances of the case, quantity of liquor and also considering the fact that the applicant is in detention since 1 month and 4 days, charge sheet has not been filed and though a similar offence has been registered against the applicant under Section 34 (1) (a) of the Excise Act, I am of the opinion that one last opportunity may be given to the applicant to remain in the society without committing any offence.

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.30,000/- with one

surety in the like sum to the satisfaction of the JMFC, Bilha 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**