

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2222 of 2017**

- Rohit Sonwani S/o Shri Ramlal Sonwani, Aged About 36 Years
R/o Village Kopra, Police Station Panduka, District Gariyaband,
Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant : Shri Rajesh Kumar Tiwari, Advocate
For Respondent/State : Shri Wasim Miyan, 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.25/2017 registered in Police Station Panduka, District Gariyaband for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicant submits that the applicant has been arrested on 19.3.2017, charge sheet has been filed and the case is pending before Chief Judicial Magistrate, Gariyaband as Criminal Case No.321/2017. As per the allegation, 5.760 liters of liquor and currency notes worth Rs.3,500/- have been seized from the conscious possession of the applicant. The applicant is

the first offender, he will not commit any offence in future, he is in jail for about one month, 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 earlier Crime No.20/17 under Section 34 (1)(a) of the Excise Act has been registered against the applicant which shows the recent criminal antecedent of the applicant.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for about one month, charge sheet has been filed, the trial may take sometime for its conclusion, though one criminal antecedent is reported against the applicant but that belongs to Section 34(1) (a) of the Excise Act, 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.25,000/- with one solvent surety in the like sum to the satisfaction of Chief Judicial Magistrate, Gariyaband 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