

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2254 of 2017**

- Dheerpal Suryawanshi S/o Parasram Suryawanshi, Aged About 52 Years R/o Village- Hardi, Polcie Station & Post Office- Chhura, District- Gariyaband , Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant	: Shri Shivendu Pandya, Advocate
For Respondent/State	: Shri Arvind Shukla, 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.31/2017 registered at Police Station Chhura, 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 5.760 bulk liters of country made liquor was seized by the police from the present applicant.

4. Learned counsel for the applicant submits that the applicant is in detention since 13.3.2017. He submits that charge sheet has not been filed and the applicant is remanded by the C.J.M. Gariyaband. 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. However, he fairly conceded that Chhura Police have not registered any earlier criminal antecedent of the applicant.

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 13.3.2017, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on 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**