

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2261 of 2017**

- Ajay @ Rinku S/o Mahadev Kandra, Aged About 26 Years R/o Bajrang Nagar, kandrapara, Durg, Tahsil And District, Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through : District Magistrate, Durg, Excise Police Incharge Durg, District- Durg, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Khushbu Verma, 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.421/2016 registered at Police Station Excise Circle, Durg, Distt. Durg (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that 36 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 14.2.2017 and yet charge sheet has not been filed. She submits that the applicant is aged about 26 years; he has no criminal background and has been falsely implicated in the case, 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 earlier the applicant was not involved in any of 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 2 months and 12 days and no earlier criminal antecedents have been reported against the applicant, 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.40,000/- with one surety in the like sum to the satisfaction of the C.J.M. Durg 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**