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HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.2321 of 2017

- Rekhu Nishad @ Lekhraj Nishad S/o Tejpal, Aged About 25 Years R/o Kalaimod, Aarang, Police Station Aarang, Revenue & Civil District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Aarang, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri Pushpendra Kumar Patel, Advocate
For Respondent/State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

26.4.2017

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.67/2017 registered in Police Station Aarang, District Raipur for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicants submits that the applicant has been arrested on 04.02.2017, charge sheet has been filed before Additional Chief Judicial Magistrate, Raipur which has been registered as Criminal Case No.2282/2017, the applicant is the first offender, and as per the allegation, 6.300 liters of foreign liquor has been seized from the conscious

possession of the applicant. The applicant will not commit any offence in future, he has been falsely implicated in the crime, hence, he may be granted bail.

4. Learned counsel for the State opposes the bail application and would fairly submits that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for more than 2 ½ months, charge sheet has been filed and also considering the small quantity of liquor seized, I am inclined to grant one last opportunity to the applicant, so that he will not commit any offence in furture.

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 surety in the like sum to the satisfaction of Additional Chief Judicial Magistrate, Raipur 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 Cort 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

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