

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2383 of 2017**

- Mukesh Verma S/o Late Mannulal Verma, Aged About 27 Years
R/o Village Bhiloni Police Station Nevra (Tilda) District (Revenue
& Civil) Raipur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station City Kotwali
Balodabazar District (Revenue & Civil) Balodabazar Bhatapara
Chhattisgarh

---- Respondent

For Applicant : Shri Sumit Jhawar, Advocate
For Respondent/State : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****02.5.2017**

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.120/2017 registered in Police Station City Kotwali, Baloda Bazar, Bhatapara 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 27.3.2017, after investigation charge sheet has been filed before Chief Judicial Magistrate, Baloda Bazar as Criminal Case No.262/2017. The applicant is the first offender, as per the allegation, 51.840 bulk liters of country made liquor has been seized from the possession of the present applicant, who was transporting

the same in a Swift Car bearing registration No.CG 22 AB 8295 and the said car was also seized. He further submits that the applicant will not commit any offence in future, hence, he may be granted bail.

4. Per contra , learned counsel for the State opposes the bail application and would submit that though there is no criminal antecedent reported against the present applicant, but looking to the huge quantity of liquor so seized, his bail application may be dismissed.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for one month five days, he is first offender, though the quantity of liquor seized from the applicant is on higher side, but as submitted he will not commit any offence, I am inclined to grant one opportunity to the applicant, so that he shall not commit any similar or other 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.1,00,000/- with one solvent surety of like sum to the satisfaction of Chief Judicial Magistrate, Baloda Bazar, Bhatapara 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