

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2331 of 2017

- Pawan Kumar Markam S/o Radhuvar Markam, Aged About 42 Years R/o Village Madeli, Police Station Chhura, District Gariyaband Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant	: Shri P.P. Sahu, Advocate
For Respondent/State	: Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

11.4.2017

1. Heard on I.A.No.1/2017 for urgent hearing.
2. On due consideration, I.A.No.1/2017 is disposed of.
3. Heard the matter finally.
4. 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 No42/2017 registered at Police Station Chhura, Revenue District Gariyaband, Civil District Raipur(CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

5. 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 along with Motorcycle No. CG 04HU 0134 while he was carrying the same for sale.

6. Learned counsel for the applicant submits that the applicant is in detention since 29.3.2017 as he was remanded by the Chief Judicial Magistrate, Gariyaband and charge sheet is not yet filed. 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.

7. On the other hand, learned counsel for the State opposes the bail application. However, he fairly conceded that Chhura Police had not noticed any earlier antecedent of the similar nature against the applicant.

8. I have heard the counsel appearing for the parties.

9. Without commenting on merits, considering the totality of the facts and circumstances of the case, small quantity of liquor and also considering the fact that the applicant is in detention since 29.3.2017, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

10. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

11. 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.

12. 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 today.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE