

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2323 of 2017**

- Rupesh S/o Premlal Sahu, Aged About 21 Years R/o Village Barbahra, Police Station Gariyaband, District Gariyaband, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	: Shri CR Sahu, 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.41/2017 registered in Police Station Chhura, Distt. Gariyaband 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 29.3.2017, charge sheet has been filed before Chief Judicial Magistrate, Gariyaband which has been registered as Criminal Case No.317/2017, the applicant is the first offender, and as per the allegation, 17.640 liters of country made 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 submit 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 about a month, charge sheet has been filed and also considering the applicant is the first offender and vehicle in question Maruti Omni CG 04 HL 5070 was also seized from the applicant, I am inclined to grant one last opportunity to the applicant, so that he will not commit any 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.40,000/- with one surety in the like sum to the satisfaction of Chief Judicial Magistrate, Gariyaband 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