

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2324 of 2017**

- Arvind Kumar Verma S/o Late Krishna Kumar Verma Aged About 34 Years R/o Village Belodi, Police Station Ranitarai, Tehsil- Patan, District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. - Police Station Ranitarai, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Shri Vijay Kumar Sahu, Advocate
 For Respondent/State : Shri Anant Bajpai, 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.24/2017 registered in Police Station Ranitarai, Distt. Durg 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 11.02.2017, charge sheet has been filed before Judicial Magistrate First Class, Patan which has been registered as Criminal Case No.56/2017, the applicant is the first offender, and as per the allegation, 12.960 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 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 2 ½ months, charge sheet has been filed and also considering the applicant is the first offender and looking to the quantity of liquor seized, 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 Judicial Magistrate First Class, Patan, Dist. Durg 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