

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2355 of 2017**

- Pappu @ Raifal Sahu S/o Shri Bisahu Ram Sahu, Aged About 19 Years R/o Bramhadehi Para, Raipur, Post Office Raipur, Police Station Khamtarai, Raipur, District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Khamtarai, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Shivendu Pandya, Advocate
For Respondent/State	: Shri Wasim Miyam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****01.05.2017**

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.36/2017 registered at Police Station Khamtarai, District Raipur(CG) for the offence punishable under Section 34 (2) of the CG Excise Act.

3. Case of the prosecution, in brief, is that 8.640 bulk liters of duty paid foreign liquor was seized by the police from the present applicant.

4. Learned counsel for the applicant submits that the applicant is arrested on 20.1.2017. Charge sheet has been filed before the CJM, Raipur as Cr. Case No.2686/2017. He prays that the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. He submits that earlier one matter under Section 13 of the Gambling Act and another under Sections 294, 506, 323, 324 IPC have been registered against the applicant goes to show the earlier criminal antecedents.

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

7. 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 for 3 months and 10 days, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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

9. 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 the C.J.M. Raipur for his appearance before the said trial Court as and when directed.

10. 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