

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2449 of 2017**

- Shiv Kumar Kurre S/o Shri Narayan Kurre, Aged About 24 Years
R/o Village Kanharpuri, Police Station Khallari, Civil & Revenue
District Mahasamund Chhattisgarh

---- Applicant**Versus**

- The State Of Chhattisgarh Through The Station House Officer,
Police Station Khallari, District Mahasamund Chhattisgarh

---- Respondent

For Applicant : Shri Sumit Shrivastava, Advocate
For Respondent/State : Shri Sumit Jhawar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****04.5.2017**

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.39/2017 registered in Police Station Khallari, Distt. Mahasamund for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915 .

3. Learned counsel for the applicant submits that the applicant has been arrested on 28.02.2017 charge sheet has been filed and the matter is pending before Chief Judicial Magistrate, Mahasamund as Criminal Case No.174/2017. The applicant is the first offender, as per the allegation, 18 bulk liters of country made liquor has been seized from the possession of the present applicant. 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 fairly submits the there is no criminal antecedent against the present applicant.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for two months five days, charge sheet has been filed, there is no criminal antecedent against the applicant, I am inclined to grant one opportunity to the applicant, so that he shall remain in the society without committing 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.30,000/- with one solvent surety of like sum to the satisfaction of Chief Judicial Magistrate, Mahasamund 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

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