

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2450 of 2017**

- Shiv Charan Yadav S/o Itwari Yadav, Aged About 50 Years R/o Village Umarda, Thana, Tahsil & District Mahasamund, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali Mahasamund, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Shri Vikash Pradhan, 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.176/2017 registered in Police Station City Kotwali 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 30.3.2017 charge sheet is yet to be filed and the applicant is remanded by Chief Judicial Magistrate, Mahasamund. As per the allegation, 49.500 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 submit that earlier Crime No.81/13 and Crime No.553/14 have been registered against the present applicant under Section 34(1)(a) of the CG Excise Act, hence, looking to his criminal antecedent, his bail application may be dismissed.

5. Perused the entire material.

6. Two cases earlier registered against the present applicant were in relation with seizure of the liquor below five liters and though the liquor seized in the present matter is on higher side, but looking to the place of seizure, i.e. behind the house of the applicant, i.e. kitchen garden, I am inclined to grant one last opportunity to the applicant, so that he shall not commit any offence in future and remain in the society without committing any offence.

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.50,000/- with two solvent sureties of Rs.25,000/- each 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