

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2367 of 2017**

- Ishu Kumar Gaherwar S/o Pyare Gaherwar, Aged About 22 Years R/o In Front Of Veer Kirana Store Gali, Mini Basti, Jarhabhata, Police Station Civil Lines, Tehsil & District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Rahul Sharma, Advocate
For Respondent/State	: Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****02.5.2017**

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.214/2017 registered in Police Station Civil Lines, Distt. Bilaspur for the offence punishable under Section 34(1) (A)(B) & 59(A) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicant submits that the applicant has been arrested on 28.3.2017, charge sheet is yet to be filed and the applicant has been remanded by Chief Judicial Magistrate, Bilaspur. The applicant is the first offender, as per the allegation, 17.280 bulk liters of country made liquor and cash of Rs.450/- has been seized from the possession of the present applicant. He further

submits that the applicant will not commit any offence in future, the trial may take sometime for its conclusion, hence, he may be granted bail.

4. Per contra, learned counsel for the State opposes the bail application and would fairly submit that there is no criminal antecedent reported against the present applicant.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for one month four days, he is first offender, I am inclined to grant one opportunity to the applicant, so that he shall not commit any similar or other 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, Bilaspur 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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