

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2384 of 2017**

- Sushil Kumar Gupta S/o Umesh Sao, Aged About 22 Years R/o Maharana Pratap Chowk Bilaspur, Tahsil And District Bilaspur Chhattisgarh

---- Applicant**Versus**

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

---- Respondent

For Applicant	: Shri Shikhar Sharma, Advocate
For Respondent/State	: Shri Vinod Tekam, 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.118/2017 registered in Police Station Sirgitti, District Bilaspur for the offence punishable under Section 34(1)(A), 34(2) & 59(A) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicant submits that the applicant has been arrested on 26.3.2017, charge sheet is yet to be filed, the applicant has been remanded by Judicial Magistrate First Class, Bilaspur. As per the allegation, 8.64 bulk liters of country made liquor has been seized from the possession of the present applicant. Learned counsel for the applicant further submits that earlier one case under Section 34(1) (A) of the Excise Act and two cases under

Section 34(C) of the Act have been registered against the applicant, but the above matters are bailable and if an opportunity is granted to the the applicant, he will not repeat any similar offence or any other offence in future. As the trial may take sometime for its conclusion, he may be granted bail.

4. Per contra, learned counsel for the State opposes the bail application and would submit that looking to the criminal antecedent of the applicant as aforementioned, his bail application may be dismissed.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for one month six days, considering the quantity of liquor so seized and also the fact that charge sheet is not yet filed, though there are three earlier cases registered against the applicant but looking to the nature of the cases registered, I am inclined to grant one last 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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction the trial Court 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