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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2427 of 2017

- Bhupendra Kumar S/o Milan @ Milap Ram Dewangan Aged About 35 Years Caste Koshta, R/o Devri Bangla, Police Station Devri, District Balod, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mangchuwa, District Balod, Chhattisgarh.

---- Respondent

For Applicant : Ms. Khushbu Verma, Advocate
For Respondent/State : Shri Vinod Tekam, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

03.5.2017

1. 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.10/2017, registered at Police Station Mangchuwa, Distt. Balod (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that 36.000 bulk liters of country made liquor was seized by the police from the present applicant.

4. Learned counsel for the applicant submits that the applicant is in detention since 25.3.2017. She further submits that charge

sheet has not been filed and the applicant is remanded by CJM Balod. She submits that the applicant has no criminal background and has been falsely implicated in the case, and therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. However, he submits that Mangchuwa Police had not collected any material regarding the earlier involvement of the applicant in similar or any other offence.

6. I have heard the counsel appearing for the parties and perused the material.

7. On due consideration, as the applicant is the first offender, he is in jail since, 1 month and 10 days and though the quantity of liquor so seized is on higher side, I am inclined to grant one last opportunity to the applicant so that he may not commit any offence in future and shall remain in the society peacefully.

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. Balod 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

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