

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2461 of 2017**

- Rajkumar Patel S/o Shri Deendyal Patel Aged About 42 Years
R/o Village Ghutku Patel Para, Police Station Koni, District
Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Koni, District
Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Shri Amit Kumar Chaki, Advocate
For Respondent/State	: Shri Neeraj Jain, GA

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.115/2017, registered at Police Station Koni, Distt. Bilaspur (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that 35.100 bulk liters of country liquor was seized by the police from the house of the present applicant.

4. Learned counsel for the applicant submits that the applicant is in detention since 1.4.2017. He submits that charge sheet has not been filed and the applicant is remanded by CJM, Bilaspur. He further submits that 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 fairly conceded that there is no material against the applicant for involvement in the offence.

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

7. Without commenting on merits, considering the totality of the facts and circumstances of the case, the applicant is in jail since 1.4.2017, he is the first offender and though the liquor so seized is on the higher side, I am of the opinion that one opportunity may be granted to the applicant so that he may not commit similar offence in future and shall remain in the society peacefully, therefore the application may be allowed.

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.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the C.J.M.

Bilaspur 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