

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2458 of 2017**

- Nirala Kenwat S/o Maniram, Aged About 21 Years Caste Kenwat R/o Village Ratakhar, Tinadafai, Police Station- Kotwali, Korba, Tahsil- Korba, Civil And Revenue District- Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station- Kotwali, District- Korba , Chhattisgarh.

---- Respondent

For Applicant	: Shri Anurag Bajpai, Advocate
For Respondent/State	: Shri Arvind Shukla, 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. 182/2017 registered at Police Station Kotwali, Korba, District Korba (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that 42 liters of duty paid foreign liquor was seized by the police from the present applicant.

4. Learned counsel for the applicant submits that the applicant is in detention since 31.3.2017. He further submits that charge

sheet has not been filed and the applicant is remanded by CJM Korba. He 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. He submits that the liquor so seized is on the higher side, 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.

7. Without commenting on merits, considering the totality of the facts and circumstances of the case and considering that the applicant is aged about 21 years, he is in detention since 31.3.2017 and though the quantity seized is on higher side, I am of the opinion that as he is the first offender, one opportunity may be granted to the applicant so that he may not commit any similar offence in future and remain in society peacefully, therefore, the bail 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. Korba 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**