

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2543 of 2017**

- Karmu Nayak S/o Dina Nayak, Aged About 59 Years Occupation Labor R/o Village Lilesar Chowki Bundeli Police Station Tendukona, Tahsil And District Mahasamund Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station Tendukona, (Chowki Bundeli) District Mahasamund Chhattisgarh

---- Respondent

For Applicant : Shri Vikash Pradhan, Advocate
 For Respondent/State : Shri Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****08.5.2017**

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.22/2017 registered in Police Station Outpost Bundeli, Tendukona, Distt. Mahasamund for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 30.3.2017, charge sheet is yet to be filed and the applicant has been remanded by Chief Judicial Magistrate, Mahasamund. As per the allegation, from the kitchen garden of the applicant, 16.560 bulk liters of country made liquor has been seized,

he is the first offender, he will not commit any offence in future, hence he may be granted bail.

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

5. Perused the entire material.

6. Looking to the fact that the applicant is in jail since one month ten days, first offender, as submitted he will not commit any offence in future, charge sheet is yet to be filed, the trial may take sometime for its conclusion, I am inclined 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, Mahasamund 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