

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2466 of 2017**

- Harishchand S/o Horilal Aged About 18 Years Caste- Lodhi, R/o Village Puraina, Police Station And Tahsil Chhuikhadan, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gandai, (Wrongly Mentioned As Police Station Chhuikhadan) District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri Abhishek Sharma, Advocate
For Respondent/State	: Shri Sumit Jhavar, 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. 70/2017, registered at Police Station Gandai, District Rajnandgaon (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that 12.600 bulk liters of country liquor was seized by the police from the present applicant along with Hero Honda motorcycle bearing no registration no. as it was recently sold.

4. Learned counsel for the applicant submits that the applicant is in detention since 30.3.2017. He submits that the applicant aged about 18 years. Charge sheet not been filed and the matter is pending before A.C.J.M. Khairagarh. 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 earlier involvement in the offence.

6. I have heard the counsel appearing for the parties.

7. On due consideration, as the applicant is aged about 18 years, he is in jail for 1 month and 6 days, charge sheet has not been filed and the liquor 12.600 bulk liters was being transported in a motorcycle which is seized, I am of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

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.30,000/- with one surety in the like sum to the satisfaction of the A.C.J.M.

Khairagarh, District Rajnandgaon(CG) 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**