

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2460 of 2017**

- Mohan Yadav S/o Shri Sunder Lal Yadav, Aged About 47 Years
By Caste Kehbul R/o Ward No. 13 Jhulanbar, Thana & Tahsil
Dharamjaigarh, Civil & Revenue District Raigarh Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer Police
Station Dharamjaigarh, Civil & Revenue District Raigarh
Chhattisgarh

---- Respondent

For Applicant	: Shri Sumit Shrivastava, 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.86/2017, registered at Police Station Dharamjaigarh, Distt. Raigarh (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that 8.640 bulk liters of duty paid foreign liquor was seized by the police from the present applicant along with motorcycle No. CG 13 N 4236.

4. Learned counsel for the applicant submits that the applicant is in detention since 31.3.2017. He submits that charge sheet has not been filed and the applicant is remanded by CJM, Raigarh (CG). 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. He submitted that in the year 2007 a preventive proceeding under Sections 107 & 116 CrPC has been initiated against the applicant, goes to show his conduct in the society.

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

7. Considering the facts and circumstances of the case and the fact that the applicant is not involved earlier in similar offence or any other penal offence and he is in jail since 1 month and 5 days, the motorcycle and liquor has been seized and the preventive proceeding is about 10 years ago, 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 C.J.M. Raigarh 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**