

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2542 of 2017**

- Manoj Verma S/o Hariprasad Verma, Aged About 32 Years R/o Village Bazar Atariya, Police Station & Tehsil Khairagarh, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Khairagarh, District Rajnandgaon Chhattisgarh

---- Respondent

For Applicant : Shri Abhishek Pandey 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.98/2017 registered in Police Station Khairagarh, Distt. Rajnandgaon 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 Additional Chief Judicial Magistrate, Khairagarh. As per the allegation, 40.500 bulk liters of country made liquor has been seized from the possession of the applicant, he will not repeat any offence in future, he may be granted bail during trial as the trial may take sometime for its conclusion.

4. Per contra, learned counsel for the State opposes the bail application and would submit that earlier Crime No.307/16 for the offence under Section 34(1)(a) of the CG Excise Act and Crime No.324/16 under Section 34(1)(a) of the CG Excise Act and in complaint for preventive proceeding bearing No.257/16 under Section 107 & 116 of the Cr.P.C. have been registered and initiated against the applicant which goes to show his earlier conduct and also as the quantity of liquor so seized is on higher side, the application may be dismissed. .

5. Perused the entire material.

6. On due consideration as in the earlier two matters registered against the applicant the quantity of liquor so seized was less than 5 liters though in the present matter quantity of liquor so seized is on higher side, and also considering the fact that charge sheet is not yet filed, and the trial may take sometime for its conclusion, I am inclined grant one last 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.1,00,000/- with two solvent sureties of Rs. 50,000/- each to the satisfaction of Additional Chief Judicial Magistrate, Khairagarh 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