

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2508 of 2017**

- Arjun Lal Patel S/o Bodhiram Patel, Aged About 47 Years R/o Gagori, Police Station Sarsiwa District Baloda Bazar Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Sarsiwa District Baloda Bazar Chhattisgarh

---- Respondent

For Applicant : Ms. Supriya Upasane, 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.87/2017 registered in Police Station Sarsiwa, Distt. Baloda Bazar 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 31.3.2017, charge sheet is yet to be filed and the applicant is remanded by Chief Judicial Magistrate, Baloda Bazar. As per the allegation, 5.760 bulk liters of liquor has been seized from the possession of the present applicant. The

applicant 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 submits that there is no criminal antecedent against the applicant prior to the present incident.

5. Perused the entire material.

6. On due consideration as the applicant is in jail for about one month and five days, there is no criminal antecedent reported against the applicant, as submitted, he will not commit any offence in future, I am inclined to grant one opportunity to the applicant, so that he shall not commit any 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.25,000/- with one solvent surety of like sum amount to the satisfaction of Chief Judicial Magistrate, Baloda Bazar 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