

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 2521 of 2017**

- Kishan Lal Sahu S/o Shayam Lal Sahu, Aged About 27 Years  
R/o Village Udela, Thana Simga, District Baloda Bazaar  
Bhatapara Chhattisgarh

---- Applicant

**Versus**

- State Of Chhattisgarh Through The Police Thana Simga, District  
Baloda Bazaar Bhatapara Chhattisgarh

---- Respondent

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| For Applicant        | : Shri Deepak Jain, Advocate        |
| For Respondent/State | : Ms. K. Tripathi Rao, Panel Lawyer |

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****05.06.2017**

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.92/2017 registered in Police Station Simga, Civil and Revenue District-Baloda Bazar, Chhattisgarh for the offence punishable under Section 34(2) of the Excise Act, 1915.
3. Learned counsel for the applicant submits that the applicant has been arrested on 26.3.2017, which is registered as Crime No.299/2016 pending in Chief Judicial Magistrate, Baloda Bazar, after investigation, charge sheet has been filed before Chief Judicial Magistrate, Baloda Bazar. The applicant is the

first offender, as per the allegation, 45 bulk liters of country made liquor has been seized from the possession of the present applicant. He further submits that the applicant will not commit any offence in future, hence, he may be granted bail. Two matters have been registered against the applicant under Crime No.299/2016 under Section 34(1)(a) of the Act, 1915 and Crime No.203/2017 under Section 34(1)(a) of the Act, 1915. In one matter, the applicant had filed certified copy of the order-sheet goes to show that applicant was enlarged on bail as the matter was bailable one and during trial the panch witnesses Mannulal Yadav (PW-1) and Omprakash Sahu (PW-2) turned hostile, not supported the prosecution case. He further submits that the applicant will not commit any offence in future, he may be granted bail.

4. Per contra , learned counsel for the State opposes the bail application and arguments on behalf of the applicant. On the basis of quantity of liquor so seized from the applicant and also two other matter registered, as aforementioned.
5. Perused the entire material.
6. On due consideration that the earlier two matters are bailable one applicant granted bail though in the present mater quantity of liquor is on the higher side but the accused is under custody for two months and ten days. Charge-sheet has been filed and trial may take some time, I am inclined to grant last opportunity to the applicant, so that he shall not involved himself any other matter and live peacefully in the society.

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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of Chief Judicial Magistrate, Baloda-Bazar for his appearance before the said Court as and when directed till trial.
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)**  
**V. JUDGE**