

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2541 of 2017**

- Rajendra Singh Markam S/o Sawan Singh, Aged About 40 Years
R/o Village Kartala, Police Station Pali, District Korba
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Sipat, District
Bilaspur Chhattisgarh

---- Respondent

For Applicant : Smt. Kiran Jain, 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.61/2017 registered in Police Station Sipat, Distt. Bilaspur for the offence punishable under Sections 34(1)(a), 34(2) , 59(A) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 30.3.2017, after investigation police has filed charge sheet which is pending before Judicial Magistrate First class, Bilaspur as Criminal Case No.1351/2017. As per allegation, applicant and co-accused Rakesh Singh were transporting 18 bulk liters of country made liquor in a Motor Cycle bearing registration No.CG 11 CA 4761 and the said liquor has been seized from co-

accused who has been granted bail by this Court in M.Cr.C. No.2506/17 on 04.5.2017. The applicant is the first offender, he never involved in any of the similar or other offence prior to the incident, he will not commit any offence in future, he may be granted bail during trial.

4. Per contra, learned counsel for the State opposes the bail application and would fairly submit that there is no criminal antecedent reported against the present applicant.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for one month ten days, the motor cycle used for transporting has already been seized from co-accused, he is the first offender, I am inclined to grant one 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.25,000/- with one solvent surety of like sum amount to the satisfaction of Judicial Magistrate First Class, Bilaspur 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