

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2557 of 2017**

- Sunil Kewat S/o Ganesh Ram Kewat, Aged About 21 Years (Wrongly Mentioned As Kewant In The Cause Title Of Impugned Order), R/o Village Gidhouri, Police Station Gidhouri (Tundra), District- Baloda Bazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through: Station House Officer, Police Station- Gidhouri(Tundra), District- Baloda Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Shri SK Guha, Advocate
For Respondent/State	: Shri Anant Bajpai, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****08.5.2017**

1. 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.72/2017, registered at Police Station Gidhouri (Tundra), District Baloda Bazar, Bhatapara (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
3. Case of the prosecution, in brief, is that 9 bulk liters of country liquor has been seized by the police from the present applicant.

4. Learned counsel for the applicant submits that the applicant is in detention since 01.04.2017. He further submits that charge sheet has not been filed and the applicant is remanded by CJM, Baloda Bazar, Bhatapara(CG). He submits that the applicant is the first offender and trial will take some time and the applicant has no criminal background and has been falsely implicated in the case, therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. He submits that earlier crime No.4/2016 under Section 36 (C) of the Excise Act, 1915 and another matter in connection with preventive proceedings under Section 107, 116 of the Cr.P.C. has been registered as crime No. 13/2016 which goes to show the earlier criminal antecedent of the applicant.

6. I have heard the counsel appearing for the parties and perused the material.

7. On due consideration, as the applicant is the first offender, and he is in jail since 1.4.2017 for 1 month and 8 days, charge sheet has not been filed and looking to the quantity of the liquor so seized and the age of the applicant who is aged about 21 years; though there is earlier matter registered under Section 36 (C) along with another matter of preventive proceeding, I am inclined to grant one last opportunity to the applicant so that he may not commit any offence in future and shall remain in the society peacefully.

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. Baloda Bazar, (CG) 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**