

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2643 of 2017**

- Krishna Kumar @ Kallu Jaiswal S/o Late Kashi Prasad Aged About 50 Years R/o Azad Chowk Pendra, Tahsil Pendra, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Thana Pendra, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri FS Khare, Advocate
For Respondent/State	: Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10.5.2017**

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.80/2017 registered in Police Station Pendra, Distt. Bilaspur 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, after investigation police has filed charge sheet which is pending before Judicial Magistrate First class, Pendra as Criminal Case No.149/2017. As per the allegation, 5.400 bulk liters of foreign liquor has been seized from the conscious possession of the applicant. The applicant is the

first offender, he will not commit any offence in future, the trial may take sometime for its conclusion, hence he may be granted bail.

4. Per contra, learned counsel for the State opposes the bail application and would submit that earlier police had registered Crime No.01/06 under Section 36(C) of the Excise Act and Crime No.49/11 under Section 151, 107, 116 of the Cr.P.C. against the applicant, which shows the earlier conduct of the applicant. He further submits that the applicant runs a dhaba and earlier also few cases were registered against the family members of the applicant, but learned counsel for the State is not in a position to demonstrate that the matter pending against the family member of the accused were proved.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for one month eleven days, the trial may take sometime for its conclusion, though 11 years ago offence under Section 36(C) of the Excise Act has been registered against the applicant, looking to the entire facts and the quantity of liquor so seized, I am inclined to 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.25,000/- with one

solvent surety of like sum to the satisfaction of Judicial Magistrate First Class, Pendra, Distt. 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