

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2558 of 2017**

- Khemraj Dhruv S/o Ishwar Dhruv, Aged About 21 Years Caste-Gond, R/o Village, Pandripani, Police Station & Post Office-Gariyaband, District- Gariyaband, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Gariyaband, District- Gariyaband- Chhattisgarh.

---- Respondent

For Applicant	: Shri Shivendu Pandya, 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.60/2017, registered at Police Station Gariyaband, Civil District Raipur, Revenue District Gariyaband (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that 8.640 bulk liters of foreign liquor has been seized by the police from the present applicant along with motorcycle No. CG 04 CT 0355.
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, Gariyaband(CG). He submits that the applicant has no criminal background and has been falsely implicated in the case, and therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. However, he conceded that the applicant was not involved in any of the offence prior to the incident.

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, he is aged about 21 years and is in jail since 1.4.2017; police had seized the entire liquor and motorcycle, 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. Gariyaband (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**