

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2614 of 2017**

- Surendra Ku. Gaikwad S/o Late Latel Gaikwad, Aged About 47 Years R/o Village Bhansoj, Police Station Arang, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station, Arang, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri N. Naha Roy, Advocate
For Respondent/State	: Shri OP Sahu, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****09.5.2017**

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.159/2017 registered in Police Station Arang, Distt. Raipur 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 03.4.2017, charge sheet is yet to be filed, the applicant has been remanded by Judicial Magistrate First Class, Raipur. As per the allegation, 6.660 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 Crime No.391/2016 for the offence under Section 34(1)(a) of the CG Excise Act has been registered against the present applicant, hence, looking to the earlier conduct of the applicant, his application for bail may be dismissed.

5. Perused the entire material.

6. On due consideration as the applicant is in jail for one month and six days though earlier one matter was registered against the present applicant under Section 34(1)(a) of the CG Excise Act, but in the said matter the quantity of the liquor was below five liters and except this, there is no further involvement of the applicant in similar or other offence. Looking to the quantity of liquor so seized from the applicant, 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 amount to the satisfaction of Judicial Magistrate First Class, Raipur 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