

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2610 of 2017**

- Santosh Yadav S/o Faguram Yadav, Aged About 35 Years R/o Village Gatuara, Police Station Masturi, Tahsil Masturi, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	: Ms. Nirupama Bajpai, Advocate
For Respondent/State	: Shri Wasim Miyam, Panel Lawyer

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.130/2017, registered at Police Station Masturi, District Bilaspur(CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Case of the prosecution, in brief, is that 72 bulk liters of 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 1.4.2017. She further submits that charge sheet has been filed and the matter is pending before JMFC

Bilaspur as Cr. Case No.1310/2017. She submits that the applicant will not commit any offence in future and trial will take some time, therefore, the applicant may be granted bail during trial.

5. On the other hand, learned counsel for the State opposes the bail application. He submits that looking to the huge quantity of liquor so seized and earlier in the year 2014, a matter was registered against the applicant under Section 36 (C) of the Chhattisgarh Excise Act goes to show his earlier involvement in the crime.

6. I have heard the counsel appearing for the parties.

7. On due consideration, as the applicant is in jail since 1 month and 9 days, though earlier a matter under Section 36 (C) of the Chhattisgarh Excise Act has been registered in the year 2014 and the quantity of the liquor so seized from the applicant is on the higher side, but as submitted the applicant will not commit any offence in future and trial may take some time; I am of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

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.1,00,000/- with two sureties of Rs. 50,000/- each to the satisfaction of the JMFC,

Bilaspur (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.

11. The applicant is further directed to remain present before the SHO/IO/Incharge as the case may be, at Police Station Masturi on every 1st and 3rd Monday at 11.00 am positively till trial. If the applicant remained absent, the concerned Police may intimate the trial court for the same. If the trial court find that the applicant remained absent without any cogent and proper reason as directed, the bail granted by this Court shall stand automatically cancelled without further reference to the Bench under intimation.

Certified copy as per rules.

**Sd/
(Chandra Bhushan Bajpai)
JUDGE**