

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2607 of 2017**

- Sita Ram S/o Hem Ram Paradhi, Aged About 32 Years R/o Village Barula, Thana Fingeshwar, District- Gariyaband, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: Police Station- Fingeshwar, District- Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	: Shri KK Dewangan, Advocate
For Respondent/State	: Shri Anant Bajpai, 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.28/2017, registered at Police Station Fingeshwar, Distt. Gariyaband Civil District Raipur (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Case of the prosecution, in brief, is that 8.640 bulk liters of duty paid foreign liquor has been seized by the police from the present applicant along with motorcycle CG 04 HJ 2166.

4. Learned counsel for the applicant submits that the applicant is in detention since 28.3.2017. He further submits that charge sheet has not been filed and the applicant is remanded by CJM Gariyaband. The applicant is the first offender and he will not commit any offence in future, therefore, he may be granted bail during trial.

5. On the other hand, learned counsel for the State opposes the bail application. However, he fairly conceded that there is no criminal past of the applicant prior to the incident.

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

7. On due consideration, as the applicant is in jail since 1 month and 13 days, Police had seized the liquor and motorcycle; charge sheet is not yet filed and trial may take some time; the applicant is the first offender and there is no criminal past of the applicant, this Court is 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.30,000/- with one surety in the like sum to the satisfaction of the C.J.M. Gariyaband 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**