

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2726 of 2017**

- Bisahu S/o Late Punit Ram Nishad Aged About 36 Years R/o Village Baronda, Thana Rajim, District - Gariyaband, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicants : Shri Suresh Tandon, Advocate
 For Respondent/State : Shri Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****12.5.2017**

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.70/2017 registered in Police Station Rajim, Distt. Gariyaband 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 29.3.17, charge sheet has not been filed, he was remanded by Chief Judicial Magistrate, Gariyaband. As per the allegation, 8.640 bulk liters of country made 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 fairly submit that there is no criminal antecedent reported against the applicant prior to this incident.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for one month fifteen days, charge sheet is not yet filed, there is no criminal antecedent reported against the applicant and considering the quantity of liquor so seized from the possession of the applicant, I am inclined to grant one 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.30,000/-with one solvent surety of like sum to the satisfaction of Chief Judicial Magistrate, Gariyaband, 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