

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2608 of 2017**

- Punitram Tandon S/o Sahashram Tandon, Aged About 40 Years
R/o Village Latuwa, Police Station City Kotwali, Baloda Bazar,
District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: The Station House Officer, Police
Station City Kotwali, Baloda Baloda Bazar, District- Baloda
Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Shri NP Thakur, 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.130/2017, registered at Police Station City Kotwali, Baloda Bazar, District Baloda Bazar, Bhatapara (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Case of the prosecution, in brief, is that 6.300 bulk liters of country 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 3.4.2017. He further submits that charge sheet has been filed on 16.4.2017 but he is not in a position to state the Cr. Case No. and the matter is pending before CJM Baloda Bazar(CG). 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. He submits that earlier Cr. Case No. 332/2013 under Section 452, 294, 506 IPC and Cr. Case No. 197/2016 under Section 34(1) (a) of the Chhattisgarh Excise Act, 2015 have been registered against the applicant, 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 6 days; though there are 2 other aforementioned cases have been registered against the applicant, but in Excise matter quantity of the liquor is below 5 bulk liters and in the present matter, from the possession of the applicant, 6.300 bulk liters liquor has been seized, I am inclined to grant one last opportunity to the applicant so that he may not involve in the similar offence 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.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the C.J.M. Baloda Bazar, Bhatapara (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**