

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2613 of 2017**

- Deendayal Gond S/o Holuram Gond, Aged About 25 Years R/o Village Ponsari, Police Station Bilha, Civil & Revenue District Bilaspur, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant : Shri Punit Ruparel, 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.102/2017 registered in Police Station Bilha, District Bilaspur for the offence punishable under Sections 34(2) and 59(A) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 28.3.2017, after investigation, Police has filed charge sheet which is registered as Criminal Case No. 267/2017 pending before Judicial Magistrate First Class, Bilha. As per the allegation, 29.880 bulk liters of country made liquor/ foreign liquor has been seized from the conscious possession of

the applicant. The applicant is aged about 25 years, he is the first offender, he will not commit any offence in future, hence, he may be granted bail.

4. Per contra, learned counsel for the State opposes the bail application and would submit that though there is no criminal antecedent reported against the applicant, but looking to the quantity of liquor of so seized from the applicant, his application for bail may be dismissed.

5. Perused the entire material.

6. The applicant is in jail for four months and thirteen days and there is no criminal antecedent reported against the applicant. Though in the present matter quantity of liquor so seized is on higher side but considering the entire facts, 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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of Judicial Magistrate First Class, Bilha 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