

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2575 of 2017**

- Jeevan Lal Vishwakarma S/o Baldev Vishwakarma, Aged About 50 Years R/o Village Damaru, Police Station Baloda Bazar, Civil And Revenue District Baloda Bazar / Bhatapara Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Baloda Bazar, In The Revenue And Civil District Baloda Bazar/ Bhatapara Chhattisgarh

---- Respondent

For Applicant : Shri JR Verma, 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.131/2017 registered in Police Station City Kotwali, Baloda Bazar 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 03.4.2017, charge sheet is yet to be filed and the applicant has been remanded under the authority of Chief Judicial Magistrate, Baloda Bazar. As per the allegation, 6 bulk liters of hand made country liquor has been seized from the possession

of the present applicant. The applicant 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 fairly submit that the applicant was never involved in any other offence 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 one week, there is no criminal antecedent against the applicants and also looking to the quantity of liquor so seized, 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.25,000/- with one solvent surety of like sum amount to the satisfaction of Chief Judicial Magistrate, Baloda Bazar 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

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