

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2619 of 2017**

- Harinarayan S/o Malikram Khunte, Aged About 28 Years R/o Karmada, Police Station City Kotwali, Baloda Bazar, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant : Shri Yogesh Chandra, Advocate
 For Respondent/State : Shri Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10.5.2017**

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.127/2017 registered in Police Station City Kotwali, Distt. Baloda Bazar-Bhatapara 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 01.4.2017, charge sheet is yet to be filed and the applicant has been remanded by Chief Judicial Magistrate, Baloda Bazar. As per the allegation, 7.350 bulk liters of liquor has been seized from the possession of the 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 submit that earlier police has registered Crime No.99/11 for offence under Sections 294, 506 and 323 of IPC and another Crime No.316/14 under Section 34(1)(a) of the CG Excise Act against the applicant. Looking to the earlier conduct of the applicant, his application for bail may be dismissed.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for one month ten days, charge sheet is not yet filed, the trial may take sometime and also considering the quantity of liquor so seized, though two criminal matters have been registered against the applicant but the matter under Excise Act was one which was below five liters of liquor. Considering the entire facts, I am inclined to grant one last 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 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