

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2679 of 2017**

- Leeladhar Yadu S/o Nirmal Yadu, Aged About 31 Years R/o Village Gudhiyari, Police Station Ranitarai, Tehsil Patan, District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Shri Avinash Chand Sahu, Advocate
 For Respondent/State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11.5.2017**

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.48/2017 registered in Police Station Ranitarai, Distt. Durg 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 06.4.2017, after investigation, police has filed charge sheet which is pending before Judicial Magistrate First Class, Patan as Criminal Case No.136/17. As per the allegation, the applicant was transporting 50.400 bulk liters of country made liquor in four wheeler bearing registration No.CG 07

BC 8927. The police also seized the liquor along with the four wheeler. 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 on the basis of quantity of liquor so seized from the applicant. He further submits that earlier one matter under Section 34(1)(a) of the Excise Act was registered against the applicant. Looking to his criminal antecedent, his bail application may be dismissed.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for one month five days, charge sheet has been filed, earlier one matter was registered against the applicant for illegal possession of liquor below five liters, presently the quantity of liquor so seized from the applicant is on higher side but on account of the entire facts and circumstances, 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.1,00,000/- with two solvent sureties of Rs.50,000/- each to the satisfaction of Judicial

Magistrate First Class, Patan, 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