

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2678 of 2017**

- Amit Kumar Kori S/o Basant Lal, Aged About 22 Years Caste Harijan, Profession Majduri, R/o Village Patna, Police Station Patna, Tahsil Baikunthpur, Revenue & Civil District Korea, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Patna, Revenue & Civil District Korea, Chhattisgarh.

---- Respondent

For Applicant	: Shri AP Sharma, 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.39/2017 registered in Police Station Patna, Distt. Korea 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 10.3.2017, after investigation, police has filed charge sheet which is pending before Judicial Magistrate First Class, Baikunthpur, Distt. Korea as Criminal Case No.118/17. As per the allegation, the applicant was transporting 9 bulk liters of foreign liquor in a motor cycle bearing registration

No.MP 59 A 1599. 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 and would fairly submit that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for two months, he is aged about 22 years, first offender, as submitted he will not commit any offence in future, looking to the quantity of liquor so seized and also other 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.30,000/- with one solvent surety of like sum to the satisfaction of Judicial Magistrate First Class, Baikunthpur 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