

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2639 of 2017**

- Jitendra Tiwari S/o Chotelal Tiwari, Aged About 28 Years R/o Village- Dhuruwagudi, Police Station & Post Office - Amlipadar (Wrongly Mentioned The Police Station- Devbhog In The Rejection Order), District- Gariyaband, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through: Station House Officer, Police Station Amlipadar District- Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	: Shri Shivendu Pandya, Advocate
For Respondent/State	: Shri OP Sahu, GA

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.27/2017, registered at Police Station Amlipadar, Distt. Gariyaband(CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Case of the prosecution, in brief, is that 6.840 bulk liters of foreign liquor was seized by the police from the present applicant.

4. Learned counsel for the applicant submits that the applicant is in detention since 30.3.2017. He further submits that charge

sheet has not been filed and the applicant is remanded by CJM Gariyaband. The applicant is the first offender and has no criminal background and has been falsely implicated in the case, and therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. However, he fairly conceded that there is no material against the applicant for involvement in any offence.

6. I have heard the counsel appearing for the parties.

7. On due consideration, as the applicant is in jail since 1 month 12 days, charge sheet is not filed, the applicant is first offender and considering the quantity of liquor so seized, I am inclined to grant one last opportunity to the applicant so that he may not commit any offence in future and shall remain in the society peacefully.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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 surety in the like sum to the satisfaction of the C.J.M. Gariyaband for his appearance before the said trial Court as and when directed.

10. 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**