

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No.2685 of 2017**

- Vijay Kumar S/o Tukaram Sahu, Aged About 22 Years R/o Village Khera, Police Station & Chowki Karhi Bazar, Tahsil Bhatapara, District Baloda Bazar Bhatapara, Chhattisgarh.

**---- Applicant****Versus**

- State Of Chhattisgarh Through S.H.O. Police Station City Kotwali, Baloda Bazar, District Baloda Bazar Bhatapara, Chhattisgarh.

**---- Respondent**


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For Applicant : Shri Hemant Gupta, Advocate  
 For Respondent/State : Shri Anant Bajpai, Panel Lawyer

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**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.143/2017 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 08.4.2017, charge sheet is yet to be filed and the applicant has been remanded by Chief Judicial Magistrate, Baloda Bazar. As per the allegation, 6.660 bulk liters of country made liquor has been seized from the conscious possession of the applicant. 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 and would fairly submit that there is no criminal antecedent reported against the applicant 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 two days, charge sheet is not yet filed, the trial may take sometime for its conclusion, and also considering the quantity of liquor so seized from the applicant, 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 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**