

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2666 of 2017**

- Pawan Kumar Dhiwar S/o Kunjram Dhiwar, Aged About 25 Years
R/o Village Balda Kachhar, Police Station Kashadol, Tahsil,
Kashdol, District- Balodabazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station Kashadol In Crime
No. 144/2017, District Balodabazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Shri RK Masih, Advocate
For Respondent/State	: Shri Anant Bajpai, PL

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.144/2017, registered at Police Station Kashdol, District Baloda Bazar Bhatapara(CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Case of the prosecution, in brief, is that 10.080 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 4.4.2017. He further submits that charge

sheet has not been filed and the applicant is remanded under the authority of CJM, Baloda Bazar, Bhatapara(CG). The applicant is the first offender and has no criminal background, he will not repeat the offence in future and also trial will take some time; 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 and one week, charge sheet is not filed, the applicant is first offender; he will not commit any offence in future; trial will take some time 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.30,000/- with one surety in the like sum to the satisfaction of the CJM, Baloda Bazar, Bhatapara(CG) 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