

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2772 of 2017**

- Bihari Das Manikpuri S/o Kishun Das Aged About 58 Years R/o Village Roba, Police Station Fingeshwar, Disstrict- Gariyaband, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through: Police Station- Fingeshwar, District- Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Shri Dashrath Kushwaha, Advocate
For Respondent/State : Shri Ashish Shukla, GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****16.5.2017**

1. 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.31/2017, registered at Police Station, Fingeshwar, Distt. Gariyaband Civil District Raipur(CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
3. Case of the prosecution, in brief, is that 18.000 bulk liters of country liquor has been seized by the police from the present applicant.

4. Learned counsel for the applicant submits that charge sheet has not been filed and the applicant is remanded by CJM, Gariyaband. The applicant is in detention since 29.3.2017. He further submits that he is the first offender and he has no criminal background; he will not commit any offence in future and the 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 on the basis of quantity so seized. Though he fairly conceded that the applicant had no criminal past.

6. I have heard the counsel appearing for the parties and perused the material.

7. Without commenting on merits, considering the totality of the facts and circumstances of the case, the applicant is in detention since 1 month and 19 days; charge sheet has not been filed and trial may take some time the quantity of liquor so seized is on the higher side, I am inclined to grant last opportunity to the applicant so that he may not involve in any of the offence 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.40,000/- with one

surety in like sum to the satisfaction of the C.J.M. Gariyaband, District 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**