

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2744 of 2017**

- Adal Singh Sarthi S/o Bhawan Das Aged About 30 Years Occupation Agriculturist, R/o Chhichhor, Umariya, Police Station And Tahsil Pusour, District- Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station Pusour, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri Wasim Miyan, Advocate
 For Respondent/State : Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****15.5.2017**

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.53/2017 registered in Police Station Pusour, Distt. Raigarh for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicant submits that the applicant has been arrested on 04.4.2017, after investigation charge sheet has been filed which is registered as Criminal Case No.173/17 pending before Chief Judicial Magistrate, Raigarh. The applicant is the first offender, as per the allegation, 17.280 bulk liters of country made liquor has been seized from the possession of the present applicant.

The applicant will not commit any offence in future, he may be granted bail.

4. Per contra, learned counsel for the State opposes the bail application and would submit that on 31.3.2017 one matter under Section 36(C) of the CG Excise Act, 1915 has been registered against the present applicant, which shows the conduct of the applicant.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for one month and eleven days, charge sheet has been filed and the trial may take sometime and also looking to the allegation of criminal antecedent of the applicant, I am inclined to grant one last 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.40,000/- with one solvent surety of like sum to the satisfaction of Chief Judicial Magistrate, Raigarh 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