

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2764 of 2017**

- Ambar Sori S/o Aghnuram Sori, Aged About 35 Years R/o Dharampura (Narra) Police Station Balod, District Balod, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	: Shri Anil Gulati, Advocate
For Respondent/State	: Shri OP Sahu, 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.112/2017 registered at Police Station Balod, Distt. Balod(CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
3. Case of the prosecution, in brief, is that 7.200 bulk liters of country liquor has been seized by the police from the present applicant.
4. Learned counsel for the applicant submits that yet charge sheet has not been filed and the matter is pending before CJM

Balod and the applicant is in detention since 6.4.2017. He further submits that he is the first offender and he has no criminal background; he will not commit any offence in future, therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. He submits that earlier Crime No. 69/2017 under Section 34 (1) (a) of the Chhattisgarh Excise Act, 1915, Compliant Case No. 192/2013 under Section 107, 116 (3) Cr.P.C. and Complaint Case No. 449/2014 under Section 107, 116 (3) Cr.P.C. have been registered against the applicant shows the conduct of the applicant.

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 10 days; charge sheet has not been filed; trial may take some time and out of the 3 cases; 2 were in connection with preventive proceedings and third matter was in connection with illegal possession of liquor below 5 bulk liters, I am inclined to grant last opportunity to the applicant so that he shall 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.30,000/- with one surety in the like sum to the satisfaction of the C.J.M. Balod, District Balod 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**