

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2747 of 2017**

- Keshav Ram Chouhan S/o Marha Ram, Aged About 55 Years
Caste - Cheek, R/o Kaliba, Tahsil Kunkuri, District Jashpur
Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police
Station Narayanpur, District Jashpur Chhattisgarh

----- Respondent

For Applicant	: Shri Manoj Chouhan, Advocate
For Respondent/State	: Shri Wasim Miyan, 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.37/2017 registered in Police Station Narayanpur, Distt. Jashpur 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 09.4.2017, charge sheet is not yet filed, the applicant has been remanded by Judicial Magistrate First Class, Kunkuri. The applicant is the first offender, as per the allegation, 7.200 bulk liters of foreign liquor has been seized from the conscious possession of the applicant. The applicant 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 the police has not noticed any criminal antecedent against the present applicant prior to the incident.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for one month and one week, he is the first offender, as submitted, he will not commit any offence in future, the trial may take sometime for its conclusion, 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.30,000/- with one solvent surety of like sum to the satisfaction of Judicial Magistrate First Class, Kunkuri 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