

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2697 of 2017**

- Mishrilal Kashyap S/o Dhaneshwar Kashyap, Aged About 30 Years R/o Village Deewanmuda, Police Station & Post Office Devbhog, District Gariyaband, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	: Shri Shivendu Pandya, Advocate
For Respondent/State	: Shri OP Sahu, Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11.5.2017**

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.55/2017 registered in Police Station Devbhog, Distt. Gariyaband for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 31.3.2017, charge sheet is not yet filed, the applicant has been remanded by Chief Judicial Magistrate, Gariyaband. As per the allegation, the applicant was transporting 8.640 bulk liters of foreign liquor in a motor cycle bearing registration No.CG 04 DD 8660 and the police caught him along

with the liquor and the motor cycle. The applicant is the first offender, he 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 there is no criminal antecedent reported against the applicant. .

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for one month twelve days, charge sheet is not yet filed, no criminal antecedent is reported against him, 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 Chief Judicial Magistrate, Gariyaband, 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