

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2774 of 2017

- Dayaram S/o Panchram Rathiya, Aged About 27 Years
Occupation- Agriculturist, R/o Village- Darramuda, Police Station
Bhupdevpur, District- Raigarh, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	: Shri Abhishek Saraf, Advocate
For Respondent/State	: Shri Vinod Tekam, PL

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.52/2017, registered at Police Station,
Bhupdevpur, Distt. Raigarh (CG) for the offence punishable under
Section 34(2) of the Chhattisgarh Excise Act, 1915.
3. Case of the prosecution, in brief, is that 17.955 bulk liters of
foreign liquor has been seized by the police from the present
applicant.

4. Learned counsel for the applicant submits that charge sheet has been filed and the matter is pending before CJM, Raigarh as Cr. Case No. 204/2017 and the applicant is in detention since 3.4.2017. He further submits that he is the first offender and he has no criminal background; he will not commit any offence in future 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. He submits that earlier Police had registered Crime No. 194/2016 under Section 36 (C) of the Chhattisgarh Excise Act, 1915 against 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 13 days; charge sheet has been filed and trial may take some time and though earlier one matter under Section 36 (C) of the Chhattisgarh Act, 1915 has been registered against the applicant and 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.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the C.J.M. Raigarh, District Raigarh 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**