

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2758 of 2017**

- Kishan Maratha S/o Late Fakir Mohan Maratha Aged About 25 Years Occupation Labour, R/o Village Amurra Police Station Saria, Tahsil Baramkela, District Raigarh, Chhattisgarh.

----Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Saria, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sanjeev Sahu, Advocate
For Respondent/State	: Shri Sumit Jhawar, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****09.5.2017**

1. Heard on IA No.1/2017 for urgent hearing.
2. On due consideration, IA No.1/2017 is hereby disposed of.
3. Learned counsel for the applicant would submit that the matter may be heard finally.
4. Learned counsel for the State submits that case diary is available. He is also ready to argue the matter finally.
5. With the consent of the parties, matter heard finally.
6. 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.45/2017, registered at Police Station

Saria, District Raigarh (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

7. Case of the prosecution, in brief, is that 5.200 bulk liters of country liquor has been seized by the police from the present applicant.

8. Learned counsel for the applicant submits that the applicant is in detention since 8.4.2017. He further submits that charge sheet has not been filed and the applicant is remanded by CJM Raigarh (CG). He submits that the applicant is the first offender and trial will take some time, therefore, the applicant may be released on bail.

9. On the other hand, learned counsel for the State opposes the bail application. However, he fairly conceded that the applicant was never involved in similar or other offence prior to the incident.

10. While hearing the matter this Court observed that the Second Additional Sessions Judge, Raigarh (CG) has mentioned the number of bail petition as Bail Petition No. 209/2017 and in addition to the above facts, further mentioned that Bail Petition No. 20690000209/2017. The subsequent no. shown is not required to mention.

11. On due consideration, the Court below is directed to peruse the earlier instructions issued more than once by the High Court of Chhattisgarh regarding mentioning of any case no. and comply strictly.

12. I have heard the counsel appearing for the parties and perused the material.

13. On due consideration, as the applicant is the first offender, he is in jail since, 1 month and there is no earlier criminal antecedent is reported; the applicant is the first offender and looking to the quantity so seized, I am inclined to grant one last opportunity to the applicant so that he may not commit any offence in future and shall remain in the society peacefully.

14. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

15. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the C.J.M. Raigarh (CG) for his appearance before the said trial Court as and when directed.

16. 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.

17. Copy of this order be sent to the Second Additional Sessions Judge, Raigarh for future compliance of the order.

**Sd/
(Chandra Bhushan Bajpai)
JUDGE**

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