

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2718 of 2017**

- Santosh Thakur S/o Jantram Thakur, Aged About 27 Years R/o Village Bodrabandha, Thana Khallari, Tahsil Bagbahara, District Mahasamund Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Khallari, District Mahasamund Chhattisgarh

---- Respondent

For Applicant	: Shri Vikas Pradhan, Advocate
For Respondent/State	: Shri OP Sahu, GA

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.58/2017, registered at Police Station Khallari, District Mahasamund(CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Case of the prosecution, in brief, is that 7.680 bulk liters of country liquor has been seized by the police from the present applicant.

4. Learned counsel for the applicant submits that the applicant is in detention since 5.4.2017. He further submits that charge

sheet has been filed and the matter is pending before the CJM, Mahasamund(CG) as Cr. Case No.901/2017. The applicant has no criminal background, he will not commit any offence in future and also 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 Crime No. 204/2016 under Section 34 (1) (a) of the Chhattisgarh Excise Act, 1915 has been registered against the applicant goes to show the conduct of the applicant.

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

7. On due consideration, as the applicant is in jail since 1 month and 6 days, charge sheet is filed and though earlier a matter as aforementioned has been registered against the applicant and as the same is for illegal possession and liquor is less than 5 bulk liters; trial will take some time and considering the quantity of liquor so seized at the instance of the applicant, 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.

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 CJM, Mahasamund (CG) for his appearance before the said trial Court as and when directed till trial.

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