

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2766 of 2017

- Chetan Kumar Dewangan S/o Rikhi Ram, Aged About 23 Years
R/o Manikpur, Police Station Dongargaon, District Rajnandgaon,
Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Excise Circle Dongargaon,
District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri SS Baghel, Advocate
For Respondent/State	: Shri Neeraj Jain, GA

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.2/2017, registered at Police Station Excise Circle, Dongargaon, Rajnandgaon(CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
3. Case of the prosecution, in brief, is that 5.440 bulk liters of country liquor has been seized by the police from the present applicant.

4. Learned counsel for the applicant submits that yet charge sheet has not been filed and the matter is pending before CJM Rajnandgaon and the applicant is in detention since 12.4.2017. He further submits that he is the first offender and he has no criminal background; he will not commit any offence in future, therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. However, he fairly conceded that the applicant had no criminal past prior to the incident.

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 4 days; charge sheet has not been filed; trial may take some time, I am inclined to grant last opportunity to the applicant so that he shall 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.25,000/- with one surety in the like sum to the satisfaction of the C.J.M.

Rajnandgaon (CG) 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**