

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2767 of 2017**

- Saroj Chandrakar S/o Kallu Ram Chandrakar, Aged About 45 Years R/o Village Bhandari Bharda, Police Station Dongargaon, District Rajnandgaon, Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh Through The Police Station Dongargaon, District Rajnandgaon, Chhattisgarh.

---- Respondent

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

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**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.137/2017 registered at Police Station Dongargao, Rajnandgaon(CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915 (for short the Act of 1915).
3. Case of the prosecution, in brief, is that 8.640 bulk liters of foreign 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 10.4.2017. 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. He submits that earlier Crime No. 262/2015 under Section 36 (F) of the Act of 1915 and Crime No.17/2017 under Section 34 (1) (a) of the Act of 1915 and Compliant Case No.26/2017 under Section 107, 116 (3) Cr.P.C. have 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. Without commenting on merits, considering the totality of the facts and circumstances of the case, the applicant is in detention since 1 month and 6 days; charge sheet has not been filed; trial may take some time and the matter under Section 34(1) (a) of the Act of 1915 which is for consumption of alcohol at public places and for illegal possession of liquor below 5 bulk liters; the third matter is in connection with preventive proceedings against the applicant, 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.40,000/- 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**