

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2878 of 2017**

- Ram Kumar Gayakwad S/o Bhakku Satnami, Aged About 38 Years R/o Village Bhilai, Police Station & Tahsil Jarhagaon, District Mungeli Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Jarhagaon, District Mungeli Chhattisgarh

---- Respondent

For Applicant	: Shri Ravindra Sharma, Advocate
For Respondent/State	: Shri Neeraj Jain, GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****18.5.2017**

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.70/2017, registered at Police Station Jarhagaon, Distt. Mungeli(CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
3. Learned counsel for the applicant submits that the applicant is arrested on 4.4.2017 and yet charge sheet has not been filed. The applicant is remanded by CJM, Mungeli(CG). As per allegations from the possession of the applicant 35.280 bulk liters

of country liquor has been seized. He further submits that he is the first offender and he has no criminal background; trial will take some time, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application on the basis of huge quantity of liquor so seized from the applicant. Though he fairly conceded that there was no criminal past of the applicant prior to the incident.

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

6. Without commenting on merits, considering the totality of the facts and circumstances of the case, as the applicant is in detention since 1 month and 14 days; charge sheet has not been filed; trial may take some time and though the quantity of liquor so seized is on the higher side but looking to the fact that he was never involved earlier in any of the offence, 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.

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

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the C.J.M.

Mungeli (DG) for his appearance before the said trial Court as and when directed till trial.

9. 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**