

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2826 of 2017**

- Harilal Sinha S/o Late Feruram Sinha Aged About 46 Years R/o Village Khapri, Police Station Pipariya, Tahsil Kawardha, Civil And Revenue District Kabirdham, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate/ Station House Officer, Police Station- Pipariya, District Kabirdham, Chhattisgarh.

---- Respondent

For Applicant	: Shri Dharmesh Shrivastava, Advocate
For Respondent/State	: Shri Neeraj Jain, GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****03.5.2017**

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.70/2017 registered at Police Station Pipariya, Distt. Kabirdham (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

7. Case of the prosecution, in brief, is that 60.450 bulk liters of beer and 17.100 liters of country made liquor was seized by the police from the present applicant.

8. Learned counsel for the applicant submits that the applicant is in detention since 11.4.2017. He further submits that charge sheet has not been filed and the applicant is remanded by CJM Kawardha. He submits that the applicant has no criminal background and has been falsely implicated in the case, and therefore, the applicant may be released on bail.

9. On the other hand, learned counsel for the State opposes the bail application on the basis of quantity of liquor and beer so seized from the applicant. However, he fairly conceded that there is no earlier criminal antecedent of the applicant.

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

11. On due consideration, as the applicant is the first offender, he is in jail since, 23 days and looking to the quantity of liquor and beer 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.

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

13. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the C.J.M. Kawardha (Kabirdham) for his appearance before the said trial Court as and when directed.

14. 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