

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2832 of 2017**

- Gopichand Patel S/o Dhaniram Patel Aged About 45 Years R/o Gohdideepa, Tahsil & District Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station- Chowki- Jutemil, District: Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Shri Ashish Gupta, Advocate
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17.5.2017**

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.173/2017 registered in Out Post Jutemil, Police Station Kotwali, Raigarh for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicant submits that the applicant has been arrested on 01.4.2017. The applicant is the first offender, as per the allegation, the applicant was carrying 27 bulk liters of country made liquor in a car bearing registration No. CG 04 2528. He will not commit any offence in future, hence, he may be granted bail.

4. Per contra, learned counsel for the State opposes arguments advanced on behalf of the applicant on the basis of quantity of liquor so seized from the possession of the applicant.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for one month and sixteen days, though the quantity of liquor so seized from the applicant is on higher side, but as he has no criminal antecedent, I am inclined to grant one opportunity to the applicant, so that he shall not commit any similar or other offence in future.

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.50,000/- with two solvent sureties of Rs. 25,000/- each to the satisfaction of Chief Judicial Magistrate, Raigarh for his appearance before the said Court as and when directed.

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

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