

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2823 of 2017**

- Omprakash Nayak S/o Jagatram Nayak, Aged About 48 Years
R/o Village Sukhipali (Katelpara) Thana Pithora, Tahsil And
District Mahasamund Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police
Station Pithora, District Mahasamund Chhattisgarh

---- Respondent

For Applicant	: Shri Vikash Pradhan, Advocate
For Respondent/State	: Shri Neeraj Sharma, Dy. Govt. Advocate.

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.75/2017 registered in Police Station Pithora, Distt. Mahasamund 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 09.4.2017, charge sheet is not yet filed and the applicant has been remanded by the Chief Judicial Magistrate, Mahasamund. The applicant is the first offender, as per the allegation, police has seized 18 bulk liters of country made liquor

from the applicant. He will not commit any offence in future, as the trial may take sometime for its conclusion, he may be granted bail.

4. Per contra, learned counsel for the State opposes arguments advanced on behalf of the applicant and would fairly submit that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for one month and eight days, charge sheet is not yet filed, the trial may take sometime for its conclusion, the applicant is the first offender and also on due consideration of the quantity of liquor so seized, 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.40,000/- with one solvent surety of like sum to the satisfaction of Chief Judicial Magistrate, Mahasamund 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