

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2890 of 2017**

- Fathenarayan Gupta S/o Late Shiv Shankar Sao Aged About 55 Years R/o Dumarpath, Police Station Samri, Balrampur, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through: The Station House Officer, Chowki Balangi Raghunathnagar (Excise Circle Balrampur) District- Balrampur Ramanujganj, Chhattisgarh. Note: In The Bail Rejection Order The Excise Circle Balrampur Has Been Mentioned.

---- Respondent

For Applicant	: Shri Jitendra Shrivastava, Advocate
For Respondent/State	: Shri Sumit Jhawar, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****09.5.2017**

1. Heard on IA No.2/2017 for urgent hearing.
2. On due consideration, IA No.2/2017 is hereby disposed of.
3. Also heard on I.A. No.1/2017 for grant of ad interim bail.
4. I.A.No.1/2017 is hereby disposed of as not pressed.
5. Learned counsel for the applicant would submit that the matter may be heard finally looking to the entire facts surfaced.
6. Learned counsel for the State submits that case diary is available. He is also ready to argue the matter finally.
7. With the consent of the parties, matter heard finally.

8. 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.86/2017, registered at Police Station Excise Circle Balrampur, Civil District Sarguja at Ambikapur (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

9. Case of the prosecution, in brief, is that 5.760 bulk liters of foreign liquor has been seized by the police from the present applicant.

10. Learned counsel for the applicant submits that the applicant is in detention since 9.4.2017. He further submits that charge sheet has not been filed and the applicant is remanded by CJM Ramanujganj. He submits that the applicant is the first offender and has no criminal background, he has been falsely implicated in the case, therefore, the applicant may be released on bail.

11. On the other hand, learned counsel for the State opposes the bail application. However, he fairly conceded that the applicant was never involved in similar or other offence prior to the incident.

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

13. On due consideration, as the applicant is the first offender, he is in jail since, 1 month and looking to the quantity of liquor 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.

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

15. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the C.J.M. Ramanjani for his appearance before the said trial Court as and when directed.

16. 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 today.

**Sd/
(Chandra Bhushan Bajpai)
JUDGE**