

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2897 of 2017**

- Rishi Dubey S/o Ram Kushal Dubey Aged About 40 Years R/o Village Saida, Police Station Chakarbhata, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The District Magistrate Bilaspur, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Ms. Pushpalata Khalkho, Advocate
For Respondent/State	: Shri Neeraj Sharma, Dy. Govt. Advocate

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

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.133/2017 registered in Police Station Chakarbhata, Distt. Bilaspur 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 03.4.2017, after investigation police has filed charge sheet against the applicant and the same is pending before Judicial Magistrate First Class, Bilha, Distt. Bilaspur as Criminal Case No.304/2017. The applicant is the first offender, as per the allegation, 90 bulk liters of country made liquor has been seized from

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

4. Per contra , learned counsel for the State opposes arguments advanced on behalf of the applicant on the basis of huge quantity of liquor so seized from the applicant, but 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 fifteen days, charge sheet has been filed, trial may take sometime, though the quantity of liquor so seized is on higher side, but on account of the fact that he has no criminal past, I am inclined to grant one last 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.1,00,000/- with two solvent sureties of Rs. 50,000/- each to the satisfaction of Judicial Magistrate First Class, Bilha 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.

10. It is further directed that till the conclusion of the trial, present applicant shall mark his appearance before the Station House Officer/IO, Police Station Chakrabhatta on **First and Third Monday of every month at 11.00 am.**

11. It is further made clear that if the applicant without any cogent and proper reason does not appear before the Police of Chakrabhatta, Distt. Bilaspur, as directed, the concerned police may inform the trial Court for the act and if his appearance found to be without any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

12. Registrar (Judl.) is further directed to send a copy of the order to the concerned Judicial Magistrate First Class, Bilha and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE