

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2919 of 2017**

- Mohan Yadav S/o Benuram Yadav Aged About 45 Years Caste- Rawat, R/o Village- Rajapara, Police Station & Post Office- Devbhog, District- Gariyaband, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Devbhog, District- Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	: Shri Shivendu Pandya, Advocate
For Respondent/State	: Shri Vinod Tekam, PL

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

1. 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.54/2017, registered at Police Station Devbhog, Distt. Gariyaband, Civil District Raipur (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
3. Learned counsel for the applicant submits that the applicant is arrested on 30.3.2017 and yet charge sheet has not been filed

and the applicant is remanded by CJM Gariyaband. As per allegations from the possession of the applicant 6.300 bulk liters of country liquor has been seized. He further submits that the applicant is the first offender and he has no criminal background; trial will take some time, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application. Though he fairly conceded that the applicant was never involved in any of the offence prior to the incident.

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

6. Without commenting on merits, considering the totality of the facts and circumstances of the case, as the applicant is in detention since 1 month and 20 days; charge sheet has not been filed; trial may take some time and he was never involved earlier in any offence and on due consideration, the quantity of liquor so seized, I am inclined to grant last opportunity to the applicant so that he shall not involve in any of the offence and shall remain in the society peacefully.

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.25,000/- with one

surety of like sum to the satisfaction of the C.J.M. Gariyaband (CG) for his appearance before the said trial Court as and when directed till trial.

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