

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 2914 of 2017**

- Chintaram Sahu S/o Bhagela Ram Sahu Aged About 46 Years  
R/o Village Khapri Darbar, Police Station- Chhuikhadan, District-  
Rajnandgaon, Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police  
Station- Chhuikhadan, District Rajnandgaon, Chhattisgarh.

---- Respondent

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For Applicant : Shri Abhishek Sharma, Advocate  
For Respondent/State : Shri S.K. Mishra, Panel Lawyer

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****06.6.2017**

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 on 14.4.2017 in connection with Crime No.92/2017 registered in Police Station Chhuikhadan, District-Rajnandgaon, Chhattisgarh for the offence punishable under Section 34(2) of Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant submits that after investigation, police had filed charge-sheet against the applicant which is pending before the Additional Chief Judicial Magistrate, Khairagarh, District-Rajnandgaon, Chhattisgarh as Criminal Case No.237 of 2017, the trial may take some time for its conclusion. As

per the allegation, applicant was in illicit possession of 10.500 bulk liters of hand made country liquor has been seized from the possession of the present applicant. The applicant is the first offender, though earlier Crime No.20 of 2015 has been registered under Section 34(2) of the C.G. Excise Act, 1915. The matter is pending as Criminal Case No.293 of 2015 wherein it is alleged that applicant was in possession of 15 bulk liters hand made country liquor on 22.4.2017. The applicant enlarge on bail in the said matter by Additional Chief Judicial Magistrate, Khairagarh, District-Rajnandgaon, Chhattisgarh trial is going on in the said matter. Rajaram (PW-1) and Pawan Kumar (PW-2) the panch witnesses has been examined in the Court and both turned hostile and not supported the case of the prosecution goes to show some cloud over the matter registered against present applicant. He further submits that the applicant will not commit any offence in future. The trial may take sometime for its conclusion, hence, he may be granted bail.

4. Per contra , learned counsel for the State opposes the bail application and arguments submit on behalf of the applicant on the basis of quantity of liquor so seized from the possession of applicant and also the earlier criminal antecedent.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for one month twenty four days till date charge-sheet has been filed. Trial may take some time though the quantity of liquor so seized from applicant is on the higher side including the any other matter registered against the applicant, as aforementioned. I am inclined to

grant 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.50,000/- with two solvent sureties of Rs.25,000/- to the satisfaction of Additional Chief Judicial Magistrate, Khairagarh, District-Rajnadngaon for his appearance before the said 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)  
V.JUDGE