

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2913 of 2017**

- Deepak Chandrakar S/o Pradeep Chandrakar, Aged About 23 Years R/o Village Kathautiya, Police Station Dadhi, District Bemetara, Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Dadhi, District Bemetara, Chhattisgarh.

---- Respondent

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

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****19.5.2017**

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.37/2017, registered at Police Station Dadhi, District Bemetara(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 12.4.2017. Charge sheet has not been filed and the applicant is remanded by CJM Bemetara(CG). As per allegations from the possession of the applicant 9.000 bulk liters of country

liquor has been seized. He further submits that he is the first offender and he has no criminal background; he will not commit any offence in future, 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 had no criminal past.

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, the applicant is in detention since 1 month and 7 days; charge sheet has not been filed; the applicant is the first offender and as submitted he will not repeat any offence in future; trial may take some time and considering 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.30,000/- with one surety in the like sum to the satisfaction of the C.J.M.

Bemetara(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 today.

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