

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3101 of 2017**

- Kaushal Kumar Sahu S/o Asharam Sahu, Aged About 38 Years
R/o Village & Post Dundera, Police Station Utai, Tahsil Durg,
Civil & Revenue District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate / Station
House Officer, Police Station Utai, District Durg, Chhattisgarh.

---- Respondent

For Applicant	: Shri Dharmesh Srivastava, Advocate
For Respondent/State	: Shri Neeraj Sharma, Dy.Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****16.5.2017**

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.104/2017 registered in Police Station Utai, Distt. Durg 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 07.4.2017, after investigation, concerned police has filed charge sheet against the present applicant, which is pending as Criminal Case No.2817/17 before Judicial Magistrate First Class, Durg. The applicant is the first offender, as per the allegation, 33.200 bulk liters of liquor along with cash Rs.1350/- has been seized from the possession of the present applicant. He further

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

4. Per contra, learned counsel for the State opposes the bail application on the basis of huge quantity of liquor so seized from the possession of the applicant and 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 and nine days, charge sheet has been filed, the trial may take sometime for its conclusion, though the quantity of liquor so seized is on higher side, but looking to the fact that there is no criminal antecedent against the applicant, I am inclined to grant one 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/- each to the satisfaction of Judicial Magistrate First Class, Durg 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.

Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)

JUDGE