

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3089 of 2017**

- Sonsay S/o Late Deu Nag, Aged About 55 Years R/o Village Kokarras Chhindwada, Police Station Darbha, District Bastar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Darbha, District Bastar, Chhattisgarh.

---- Respondent

For Applicant	: Shri AL Singhroul, Advocate
For Respondent/State	: Shri SK Mishra, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****06/06/2017**

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.23/2017, registered at Police Station Darbha, Distt. Bastar(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 3.4.2017 and after investigation police had filed the charge sheet which is pending before the Judicial Magistrate First Class, Jagdalpur (CG) as Cr. Case No. 523/2017. As per allegations from the possession of the applicant 10.800 bulk liters

of foreign 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 on the basis of quantity so seized. Though he fairly conceded that there is no earlier criminal antecedent of the applicant.

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

6. Considering the totality of the facts and circumstances of the case, the applicant is in detention since 2 months and 3 days; charge sheet has been filed; trial may take some time, there is no criminal past of the applicant and though the quantity of liquor so seized is on the higher side, 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.40,000/- with one surety in the like sum to the satisfaction of the JMFC, Jagdalpur

(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)
VACATION JUDGE**