

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3084 of 2017**

- Karan Singh Thakur S/o Late Shri Mannu Singh Thakur, Aged About 37 Years R/o Bagbahra, Thana & Tahsil- Bagbahra, Civil & Revenue District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: The Station House Officer, Police Station Bagbahra, District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sunil Sahu, Advocate
For Respondent/State	: Shri Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11.5.2017**

Heard on IA No.01/17 for urgent hearing.

2. On due consideration, IA No.01/17 is hereby disposed of.
3. Learned counsel for the State submits that since the diary is available, he is ready to argue the matter finally.
4. With the consent of the parties, the matter is heard finally.
5. 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.75/2017 registered in Police Station Bagbahra, Distt. Mahasamund for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
6. Learned counsel for the applicant submits that the applicant has been arrested on 13.4.2017, charge sheet is not yet filed, the

applicant has been remanded by Chief Judicial Magistrate, Mahasamund. As per the allegation, 5.760 bulk liters of foreign liquor has been seized from the conscious possession of the applicant. The applicant is the first offender, he will not commit any offence in future, the trial may take sometime for its conclusion, hence he may be granted bail.

7. Per contra, learned counsel for the State opposes the bail application and would submit that earlier police had registered Crime No.210/07 under Sections 294, 506, 34 of the IPC and Crime No.186/16 under Sections 294, 323, 506, 34 of the IPC and under Section 3(1)(10) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the applicant, which shows the earlier conduct of the applicant. Looking to his criminal antecedent, his bail application may be dismissed.

8. Perused the entire material.

9. On due consideration of the fact that the applicant is in jail for twenty nine days, the trial may take sometime for its conclusion, he is first offender, considering the quantity of liquor so seized, though earlier two matters of the IPC has been registered against the applicant, looking to the entire facts, I am inclined to grant one last opportunity to the applicant, so that he shall not commit any similar or other offence in future.

10. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

11. 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 solvent surety of like sum to the satisfaction of Chief Judicial Magistrate, Mahasamund for his appearance before the said Court as and when directed.

12. 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