

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR• **MCRC No. 3291 of 2017**

- Surendra Behra S/o Shri Brishbhanu Behra, Aged About 46 Years R/o Village Bagbadi, Thana & Tahsil Tamnar, Civil & Revenue District Raigarh, Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station Tamnar, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sumit Shrivastava, Advocate
For Respondent/State	: Shri Bhaskar Payashi, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****08/06/2017**

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.110/2017, registered at Police Station Tamnar, Distt. Raigarh (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 25.4.2017 and after investigation police had filed the charge sheet before the CJM Raigarh as Cr. Case No.

250/2017. As per allegations from the possession of the applicant 7 bulk liters of handmade country liquor has been seized. He further submits that the applicant 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. He submits that earlier one more matter vide Crime No. 175/2015 under Section 34 (1) (a) of the Chhattisgarh Excise Act, 1915 has been registered against the applicant goes to show his involvement in the crime.

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 1 month and 15 days; charge sheet has been filed; trial may take some time and though earlier one matter is registered against the applicant is bailable one and it is submitted on behalf of the applicant that the applicant will not commit any offence, 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. Raigarh 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.

IA No.1/2017 for urgent hearing and IA No.2/2017 for hearing the case during summer vacation stand disposed of.

Sd/
(Chandra Bhushan Bajpai)
VACATION JUDGE