

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3280 of 2017**

- Mansa Ram Navrange S/o Mangal Navrange, Aged About 46 Years R/o Village: Chanderi Satnamipara, Police Station : Simga, District- Balodabazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: Police Station Simga, District Balodabazar - Bhatapara Chhattisgarh

---- Respondent

For Applicant	: Ms. Mandavi Bhardwaj, Advocate
For Respondent/State	: Shri Wasim Miyam, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****09/06/2017**

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.117/2017, registered at Police Station, Simga, Distt. Baloda Bazar- Bhatapara (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 charge sheet before the C.J.M. Baloda Bazar- Bhatapara (CG),

but learned counsel is not in a position to state the Cr. Case number. As per allegations from the possession of the applicant 5.580 bulk liters of foreign liquor has been seized. She further submits that the applicant is the first offender and has no criminal background; he will not commit any offence in future, therefore, the applicant may be released on bail during trial.

4. On the other hand, learned counsel for the State opposes the bail application. He submits that in addition, earlier Cr. Case No. 474/2014 has been registered against the applicant under Sections 294, 323, 506/34 IPC 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 2 months and 6 days; charge sheet has been filed; the applicant is the first offender though aforementioned penal offence has been registered against the applicant and trial may take some time, I am inclined to grant one 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., Baloda Bazar-Bhatapara (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