

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No. 3284 of 2017**

- Rupram, Son of Man Singh, aged about 40 years, resident of Village – Haldi, P.S. / Tehsil Gunderdehi, District – Balod (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through : S.H.O. Police Station Gunderdehi, District – Balod (C.G.)

---- Non-Applicant

For Applicant : Shri Praveen Dhurandhar, Advocate
 For Respondent/State : Ms. K. Tiptri Rao, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****08.06.2017**

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 on 13.04.2017 in connection with Crime No.144/2017 registered in Police Station Gunderdehi, District – Balod (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act, 1915 (for short, 'the Act, 1915')
3. Learned counsel for the applicant submits that after investigation, police had filed charge-sheet against the applicant which is pending before the Chief Judicial Magistrate, Balod as Criminal Case No. 420 of 2017. The applicant is the first offender. This is the first bail application and as per the allegation, 11.340 bulk liters country liquor and foreign liquor has been seized from the

possession of the present applicant. He further submits that the applicant will not commit any offence in future, the trial may take some time, he may be granted bail during trial.

4. Per contra, learned counsel for the State opposes the bail application and arguments advanced on behalf of the applicant on the basis of quantity of liquor so seized and also as earlier Crime No. 146/2015 under Section 36-C of the Act, 1915 and Crime No.182/2015 under Section 34(1)(a) of the Act, 1915 have been registered against the applicant. Hence, the instant MCRC may be dismissed.
5. Perused the entire material.
6. As the applicant is in jail for one month twenty seven days till date, charge-sheet has been filed, trial may take some time and on due consideration as the both matters registered earlier to the incident were bailable one, looking to the entire fact, I am inclined to grant one last opportunity to the applicant to live peacefully in the society without committing any crime.
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 solvent surety to the satisfaction of Chief Judicial Magistrate, Balod, District – Balod (C.G.) for his appearance before the said Court as and when directed by the said Court.
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