

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No. 3290 of 2017**

- Badri Jaishwal, S/o Rajendra Jaishwal, aged about 30 years, R/o Village – Marma, Baniyapara, P.S. Trikunda, District Balrampur – Ramanujganj (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through P.S. - Trikunda, District – Balrampur – Ramanujganj (C.G.)

---- Non-Applicant

For Applicant : Shri Vikas Pandey, Advocate
 For Respondent/State : Shri Bhasker Payasi, 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 22.04.2017 in connection with Crime No.9/2017 registered in Police Station Trikunda, District – Balrampur-Ramanujganj, Civil District – Sarguja at Ambikapur (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act, 1915.
3. Learned counsel for the applicant submits that charge-sheet is not yet been filed, the applicant is remanded by the Chief Judicial Magistrate, Ramanujganj (C.G.). The applicant is the first offender and as per the allegation, 9.00 bulk liters hand made country made liquor has been seized from the possession of the present

applicant. He further submits that the applicant will not commit any offence in future, 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 from the applicant, though fairly conceded that no criminal antecedent of the applicant is reported by the police in the case diary.
5. Perused the entire material.
6. On due consideration of the fact that the applicant is in jail for one month eighteen days till date, charge-sheet is not yet been filed, trial may take some time and as the applicant is the first offender with no criminal antecedent and as submitted that he will not commit any crime in future, 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.30,000/- with one solvent surety to the satisfaction of Chief Judicial Magistrate, Ramanujganj, District – Balrampur-Ramanujganj (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