

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No. 3287 of 2017**

- Aatma Ram Mandavi, S/o Ramlal, aged about 45 years, R/o village Dumartola, Tehsil & Police Station Mohla, District - Rajnandgaon

---- Applicant**Versus**

- State of Chhattisgarh, Through the Police Station Mohla, District - Rajnandgaon

---- Non-Applicant

For Applicant : Shri S.S. Baghel, 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 26.04.2017 in connection with Crime No.49/2017 registered in Police Station Mohla, District – Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise 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, Rajnandgaon as Criminal Case No. 1540 of 2017. The applicant is the first offender. This is the first bail application and as per the allegation, 8.00 bulk liters hand made country 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 from the application, 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 thirteen days till date, charge-sheet has 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, Rajnandgaon, District – Rajnandgaon (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

Chandra