

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3298 of 2017**

- Maansingh S/o Parmeshwar Nawrange, Aged About 43 Years
R/o Village Khaira, Police Station, Tehsil Pallari, District
(Revenue & Civil) Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Pallari, District
(Revenue & Civil) Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sanjeev Das, Advocate
For Respondent/State	: Shri SK Mishra, 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.135/2017, registered at Police Station Pallari, 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 7/4/2017 and after investigation, Police had filed charge sheet before the C.J.M. Baloda Bazar-Bhatapara (CG) as Cr Case No. 358/2017. As per allegations from the possession of

the applicant 6.300 bulk liters of foreign 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 during trial.

4. On the other hand, learned counsel for the State opposes the bail application. In addition, he submits that earlier following Criminal matters have been registered against the applicant:

Sr.No.	Crime No.	Sections
1.	Complaint No.11/2003	109 Cr.P.C.
2.	174/2012	36 (C) of the Chhattisgarh Excise Act 1915
3.	Complaint No.362/2013	107, 116 (3) Cr.P.C.
4.	Complaint No.88/2013	107, 116(3) Cr.P.C.

Learned counsel for the State submits that the above criminal cases show the involvement of the applicant 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 9 days; charge sheet has been filed; trial may take some time and though aforementioned 4 matters have been registered against the applicant, 3 matters were in connection with preventive proceedings and one matter under Section 36 (C) of the Chhattisgarh Excise Act, 1915 is bailable one, 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.50,000/- with two sureties of Rs.25,000/- each 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