

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No. 3343 of 2017**

- Satyadev Jha S/o Harikant Jha, Aged About 58 Years R/o Behind Sibaca Hotel Gangamunda Jagdalpur, District Bastar, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Kotwali, District Bastar, Chhattisgarh.

---- Respondent

For Applicant	: Shri A.K. Singroul, Advocate
For Respondent/State	: Shri U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****09.6.2017**

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 3.4.2017 in connection with Crime No.114/2017 registered in Police Station Kotwali, District-Bastar, Chhattisgarh 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, Jagdalpur, District-Bastar, Chhattisgarh as Criminal Case No.389 of 2017, the trial may take some time for its conclusion. As per the allegation, applicant was in illicit possession of 9.18 bulk liters of foreign liquor

has been seized from the possession of the present applicant. The applicant is the first offender. He further submits that the applicant will not commit any offence in future. The trial may take sometime for its conclusion, hence, he may be granted bail.

4. Per contra , learned counsel for the State opposes the bail application and arguments submit on behalf of the applicant on the basis of quantity of liquor so seized from the possession of applicant and also the earlier criminal antecedent.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for two months seven days till date charge-sheet has been filed. Trial may take some time. I am inclined to grant last opportunity to the applicant, so that he shall not commit any similar or other offence in future and shall live peacefully in the society.

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 his furnishing a personal bond in the sum of Rs.30,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate, Jagdalpur, District-Bastar for his appearance before the said 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)

V.JUDGE

Nisha