

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3499 of 2017

Ghanshyam Sahu S/o Kunjram Sahu, Aged About 30 Years R/o Village Khiloura, Police Station Bhatapara (Gramin), District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, Police Station Simga, District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For Respondent / State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order On Board

14/06/2017

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.112/2017, registered at Police Station Simga, Distt. Baloda Bazar, Bhatapara (CG) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that 24.840 bulk liters of foreign liquor has been seized by the police from the present applicant along with motorcycle No. CG 04 CJ 6274.
4. Learned counsel for the applicant submits that the applicant is in detention since 31.3.2017. He further submits that charge sheet has not been filed and the applicant is remanded by CJM, Baloda Bazar, District Baloda Bazar, Bhatapara(CG). He submits that the applicant has no criminal background and has been falsely implicated in the case, and therefore, the applicant may be

released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. He submits that the quantity of liquor is on higher side. However, he conceded that the applicant was not involved in any of the offence prior to the incident.

6 I have heard the counsel appearing for the parties and perused the material.

7. On due consideration, as the applicant is the first offender, he is in jail since 31/03/2017, police had seized the entire liquor and motorcycle and though the quantity of liquor so seized is on the higher side, I am inclined to grant one last opportunity to the applicant so that he may not commit any offence in future and shall remain in the society peacefully.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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 surety in the like sum to the satisfaction of the C.J.M. Baloda Bazar, District Baloda Bazar, Bhatapara for his appearance before the said Trial Court as and when directed.

10. 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/-
(P. Sam Koshy)
V. JUDGE

