

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3524 of 2017**

- Piluram Sidar S/o Sakharam, Aged About 56 Years Caste Sidar, R/o Village Kachanda, Police Station & Tahsil Jaijaipur, District Janjgir Champa, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Jaijaipur, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant	: Shri Gurudev I Sharan, Advocate
For Respondent/State	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19.6.2017**

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 in connection with Crime No.53/2017 registered in Police Station Jaijaipur, Distt. Janjgir Champa for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicant submits that the applicant has been arrested on 06.4.2017, after investigation, concerned police has filed charge sheet against the present applicant, which is pending as Criminal Case No.417/17 before Chief Judicial Magistrate, Janjgir Champa. As per the allegation, 15.120 bulk liters of country made liquor has been seized from the possession of the present applicant. He further submits that though earlier Crime

No.66/15 & 01/15 under Section 36C of the Chhattisgarh Excise Act has been registered against the applicant and in both the matters he was sentenced by the trial Court with fine only and he already deposited the fine amount. The applicant will not commit any offence in future, hence, he may be granted bail.

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

5. Perused the entire material.

6. As the applicant is in jail for two months and thirteen days, charge sheet has been filed, the trial may take sometime, and also considering the fact that though earlier aforementioned two criminal cases were registered against him, which are as per the provisions of law bailable offences, I am inclined to grant one last opportunity to the applicant, so that he shall not commit any similar or other offence in future.

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 of like sum amount to the satisfaction of Chief Judicial Magistrate, Janjgir Champa for his appearance before the said Court as and when directed.

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)
JUDGE