

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3821 of 2017**

- Manharan Pandey S/o Damodar Pandey, Aged About 42 Years
R/o Village Kuhrouli, Police Station Lalpur, Tahsil Lormi, District
Mungeli, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police
Station Lalpur, District Mungeli, Chhattisgarh

---- Respondent

For Applicant	: Shri Amit Singh, Advocate
For Respondent/State	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****05.7.2017**

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.68/2017 registered in Police Station Lalpur, Distt. Mungeli (CG) for the offence punishable under Section 34(2) of the CG Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 04.4.2017, after investigation, concerned police has filed charge sheet against the present applicant, which is pending as Criminal Case No.582/17 before Chief Judicial Magistrate, Mungeli. As per the allegation, 09 bulk liters of country made liquor has been seized from the possession of the applicant. He further submits that earlier Crime No.129/12 under Section 34(2)

of the CG Excise Act has been registered against the applicant and vide judgment dated 07.10.2016, the applicant and co-accused Ramkumar have been acquitted by Chief Judicial Magistrate, Mungeli in Criminal Case No.403/2012. With this, he has no criminal past proved against him, he may be given an opportunity so that he shall remain in the society without committing any offence in future.

4. Per contra, learned counsel for the State opposes the bail application on the basis of the quantity of liquor so seized from the applicant but fairly submits that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. The applicant is in jail for about three months and one day, charge sheet has been filed, trial may take sometime for its conclusion, though he was tried but acquitted by the trial court, with this it cannot be said that he has criminal antecedent. On due consideration of the entire facts, I am inclined to grant one 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 to the satisfaction of Chief Judicial Magistrate, Mungeli, 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