

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3611 of 2017**

- Devendra Miri S/o Tulsi Ram, Aged About 34 Years Caste Satnami, R/o. Village Kusmul, Police Station Dabhara, District Janjgir Champa (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Station Dabhara, District Janjgir Champa (Chhattisgarh)

---- Respondent

For Applicant	: Shri HB Agrawal Sr. Advocate with Shri KS Pawar, Advocate
For Respondent/State	: Shri Anant Bajpai, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****20.6.2017**

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.82/2016, registered at Police Station Dabhara, District Janjgir Champa(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 13.3.2017 and after investigation police had filed charge sheet before the CJM Janjgir, District Janjgir Champa (CG) as Cr. Case No. 301/2017. As per allegations from the

possession of the applicant total 32.070 bulk liters of country liquor/foreign liquor/ beer has been seized. He further submits that he is the first offender and he has no criminal background; he will not commit any offence in future, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application on the basis of quantity of liquor so seized. However, he fairly conceded that the applicant was not involved in any of the offence prior to the incident.

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

6. Without commenting on merits, considering the totality of the facts and circumstances of the case, the applicant is in detention since 3 months and 7 days; charge sheet has been filed; though the quantity of liquor so seized is on the higher side but looking to the fact that there is no criminal past of the applicant and trial may take some time, I am inclined to grant an 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. Janjgir, District Janjgir Champa (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)
JUDGE