

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3604 of 2017**

- Ram Lal S/o Shri Gend Ram Kenwat, Aged About 58 Years R/o Village Chilhati, Police Station Sarkanda, Civil & Revenue District Bilaspur (Chhattisgarh)

---- Applicant

**Versus**

- State Of Chhattisgarh Through : The Station House Officer, Police Station Sarkanda, Civil & Revenue District Bilaspur (Chhattisgarh)

---- Respondent

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| For Applicant        | : Shri PM Sriwas, Advocate |
| For Respondent/State | : Shri Neeraj Jain, GA     |

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**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.302/2017, registered at Police Station Sarkanda, Distt. Bilaspur (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 28.4.2017 and the matter is under investigation. Charge sheet has not been filed and the matter is remanded by CJM, Bilaspur (CG). As per allegations from the possession of the

applicant 22 bulk liters of handmade country liquor 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 handmade country 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 1 month and 22 days; charge sheet has not been filed; though the quantity 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.40,000/- with one surety in the like sum to the satisfaction of the C.J.M. Bilaspur

(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**