

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3614 of 2017**

- Shobhit Manjhi S/o Shri Mukta Manjhi, Aged About 56 Years R/o Village Jamun, Salhebhata, Tendubahra, District Nuapada, Orissa.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Komakhan, District Mahasamund, Civil & Revenue District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Shri Sunil Sahu, Advocate
 For Respondent/State : Shri Sumit Jhawar, Panel Lawyer

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

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.47/2017 registered in Police Station Komakhan Distt. Mahasamund 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 09.4.2017, after investigation, concerned police has filed charge sheet against the present applicant, which is pending as Criminal Case No. S-925/17 before Chief Judicial Magistrate, Mahasamund. As per the allegation, 13 bulk liters of country made liquor has been seized from the possession of the

present applicant. The applicant is the first offender, he 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 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. As the applicant is in jail for two months and eleven day, first offender, trial may take sometime, considering the quantity of liquor so seized from the possession of the applicant and also considering 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 amount to the satisfaction of Chief Judicial Magistrate, Mahasamund 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