

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3635 of 2017**

- Mahesh Kumar Markam S/o Lekhan Markam Aged About 30 Years R/o Village - Bade Latapara, Police Station And Post Office - Devbhog, District - Gariyaband, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Devbhog, District- Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	: Shri Shivendu Pandya, Advocate
For Respondent/State	: Shri SK Mishra, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****09/06/2017**

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.57/2017, registered at Police Station Devbhog, Distt. Gariyaband (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 30th March, 2017 and after investigation, Police had filed charge sheet before the C.J.M. Gariyaband (CG) as Cr Case No. 572/2017. As per allegations from the possession of the

applicant 8.100 bulk liters of country liquor has been seized. He further submits that the applicant is the first offender and has no criminal background; he will not commit any offence in future, therefore, the applicant may be released on bail during trial.

4. On the other hand, learned counsel for the State opposes the bail application on the basis of quantity so seized. Though he fairly conceded that there is criminal past of the applicant.

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

6. Considering the totality of the facts and circumstances of the case, the applicant is in detention since 2 months and 11 days; charge sheet has been filed; there is no earlier criminal antecedent of the applicant; the applicant is the first offender and trial may take some time, I am inclined to grant one 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.30,000/- with one surety in the like sum to the satisfaction of the C.J.M., Gariyaband (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.

IA No. 1/2017 for urgent hearing and IA No. 2/2017 for hearing the matter during Summer Vacation stand disposed of.

Sd/

(Chandra Bhushan Bajpai)
VACATION JUDGE