

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3724 of 2017**

- Baldau Yadav S/o Ramkrishna Yadav, Aged About 30 Years R/o Village Lamkeni, Police Station Abhanpur, District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri N. Naha Roy, Advocate
 For Respondent/State : Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****12.7.2017**

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.32/2016 registered in Police Station Abhanpur, Distt. Raipur (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 02.5.2017, after investigation, concerned police has filed charge sheet against the present applicant, which is pending as Criminal Case No.10742/16 before Judicial Magistrate First Class, Raipur. As per the allegation surfaced in the charge sheet, 7.920 bulk liters foreign liquor has been seized from Ram Krishna Yadav, father applicant, and the applicant remained

successful to run away from the spot. Co-accused Ram Krishna Yadav has been granted bail by the Coordinate Bench of this Court on 15.3.2016 in M.Cr.C. No.448/2016. He further submits that charge sheet has been filed, the trial may take sometime for its conclusion, the applicant will not commit any offence in future, hence, he may be granted bail. Learned counsel for the applicant would further submit that earlier Crime No.197/2015 under Section 34(2) of the CG Excise Act has been registered against the applicant. In the said matter, the applicant has already been granted bail in M.Cr.C. No.4160/2015 dated 24.8.2015 and the said matter is registered as Criminal Case No.13035/15 and is pending before Judicial Magistrate First Class, Raipur. The applicant is not previously convicted, he may be granted an opportunity to remain on bail during trial.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf the applicant on the basis of earlier criminal antecedent and also as the applicant absconded from the spot on 10.02.2016 and he was arrested only on 02.5.2017 after about one year and more than two months.

5. Perused the entire material.

6. Looking to the fact that the applicant is in custody since two months and ten days till date, charge sheet has been filed, the trial may take sometime for its conclusion, the applicant was not found in actual possession of 7.920 bulk liters of foreign liquor, which was seized from the father of the applicant, who has already been granted bail by the Coordinate Bench of this Court, in another matter

registered against the applicant, he has already been granted bail by this Court. On due consideration of the entire facts, I am inclined to grant one last 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.40,000/- with two separate solvent sureties of Rs. 20,000/- to the satisfaction of Judicial Magistrate First Class, Raipur 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