

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3668 of 2017**

- Mithlesh Gupta S/o Ishwar Gupta Aged About 32 Years R/o Basdei, Police Station, Tahsil And District- Surajpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through : Police Station : Basdei, District - Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Shri Pushpendra Kumar Patel, Advocate
 For Respondent/State : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****21.6.2017**

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.170/2017 registered in Police Station Basdei, Distt. Surajpur for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 23.4.2017, after investigation, concerned police has filed charge sheet against the present applicant, which is pending before Chief Judicial Magistrate, Surajpur as Criminal Case No.1636/2017. As per the allegation, 17 bulk liters of foreign liquor has been seized from the possession of the present applicant. He

further submits that earlier following matters have been registered against the applicant.

Sl. No.	Crime No.	Offence u/S.
01.	192/2010	36C of the CG Excise Act, 1915
02.	140/2017	34(1) (a) of the CG Excise Act, 1915
03.	Complaint No.152/2017	107, 116(3) of Cr.P.C.
04.	Complaint No.10/17	110 Cr.P.C.

Learned counsel for the applicant submits that out of the above mentioned matters, two matters were in relation with preventive proceedings and the remaining two matters were of bailable in nature. The applicant 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 and also the criminal antecedent of the applicant.

5. Perused the entire material.

6. The applicant is in jail for about two months, charge sheet has been filed, trial may take sometime for its conclusion, though earlier the applicant was involved in two matters in relation with Excise Act but they were bailable, other two matters were regarding preventive proceedings, though the quantity of liquor so seized from the applicant is on higher side, but on account of consideration of 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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of Chief Judicial Magistrate, Surajpur 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