

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3701 of 2017**

- Lalbabu S/o Bijay Pratap Aged About 32 Years Caste - Kalar, R/o Village, Navgai, Police Station : Chandani, Tahsil Odgi, District - Surajpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Station : Chandni, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sushil Dubey, Advocate
For Respondent/State	: Shri Sumit Jhawar, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****22.6.2017**

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.23/2017, registered at Police Station Chandni, District, Surajpur (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 8.4.2017 and after investigation police had filed the charge sheet before the CJM, Surajpur as Cr. Case No. 1820/2017. As per allegations from the possession of the

applicant 31.680 bulk liters of country liquor has been seized. He submits that following matters have also been registered against the applicant prior to the incident:

Sr.No.	Crime No.	Section
1.	Complaint No.104/2010	107, 116 (3) Cr.P.C.
2.	Complaint NO. 20/2011	151, 107, 116 (3) Cr.P.C.
3.	Cr. Case No.21/2016	34(1) (a) of the Chhattisgarh Excise Act, 1915
4.	Crime No. 29/2016	36 (C) of the Chhattisgarh Excise Act, 1915
5.	Complaint No. 13/2016	151, 107, 116(3) Cr.P.C.
6.	Complaint No.1/2017	110 Cr.P.C.

He submits that out of 6, 4 matters were in relation to preventive proceedings for the limited period and the remaining 2 Excise matters were bailable one and the applicant is in custody since 2 months and 14 days, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application on the basis of quantity of liquor so seized from the applicant. He submits that the above matters registered against the applicant shows his criminal past.

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 14 days; charge sheet has been filed; trial may take some time and

though the quantity of liquor so seized is on the higher side and 6 matters have been registered earlier against the applicant, out of those 4 were in connection with preventive proceedings and remaining 2 were bailable one, I am inclined to grant last 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.50,000/- with one surety in the like sum to the satisfaction of the C.J.M., Surajpur , District Surajpur (CG) for his appearance before the said 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.

10. The applicant is further directed to remain present before the SHO/IO/Incharge as the case may be, at Police Station Chandni, District Surajpur on 1st and 3rd Monday at 11.00 am of every month positively till trial. If the applicant remained absent, the concerned Police may intimate the trial court for the same. If the trial court find that the applicant remained absent without any cogent and proper reason as directed, the bail granted by this Court shall stand automatically cancelled without further reference to the Bench under intimation.

Certified copy as per rules.

Sd/

(Chandra Bhushan Bajpai)
JUDGE