

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3647 of 2017**

- Dinesh Thawaith S/o Dasrath Lal Thawaith, Aged About 38 Years R/o Village Champa, Thana Champa, Civil & Revenue District Janjgir Champa, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Champa, Civil & Revenue District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant	: Shri Punit Ruparel, Advocate
For Respondent/State	: Shri Wasim Miyan, 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.110/2017 registered in Police Station Champa, District Janjgir Champa 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 11.4.2017, after investigation, concerned police has filed charge sheet against the present applicant, which is pending before Chief Judicial Magistrate, Janjgir. Learned counsel for the applicant is not in a position to state the Criminal Case number. As per the allegation, 29.720 bulk liters of foreign 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 and also on the fact that earlier Crime No.168/15 has been registered against the applicant under Section 36C of the Excise Act.

5. Perused the entire material.

6. As the applicant is in jail for two months and ten days, trial may take sometime, though earlier one matter as aforementioned has been registered against the applicant, but the same is a bailable one and also 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, Janjgir, Distt. Janjgir-Champa 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