

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3745 of 2017**

- Channu (Manikchand) Thawaith S/o Dasrath Lal Thawaith, Aged About 28 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****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.110/2017 registered in Police Station Champa, Distt. Janjgir Chamap (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 has been arrested on 11.4.2017, after investigation, concerned police has filed charge sheet against two accused persons including present applicant, which is pending as Criminal Case No.468/17 before Chief Judicial Magistrate, Janjgir-Champa. As per the allegation, 5.400 bulk liters of country made liquor and

foreign liquor has been seized from the present applicant and from co-accused Dinesh Thawaith, police has seized 29.720 bulk liters of foreign liquor. Co-accused Dinesh Thawaith has already been granted bail by this court on 21.6.2017 in M.Cr.C. No.3647/2017. Earlier Crime No.307/2016 under Sections 147, 323, 394, 201 of the Indian Penal Code has been registered against the applicant and same was registered as Criminal Case No.96/2017. In the said matter vide order dated 17.5.2017 the applicant has been granted bail by the Sessions Judge, Janjgir-Champa in Bail Petition No.265/2017 on the ground that his name did not appear in the written report, FIR, he was not seen in the CC TV footage, has no earlier criminal antecedent reported against him. As the applicant has a good case to succeed he may be granted bail during trial.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf the applicant on the basis of quantity of liquor so seized and also fact that co-accused was in possession of huge amount of liquor and also considering the criminal antecedent of the applicant as aforementioned.

5. Perused the entire material.

6. As the applicant is in custody for three months one day, charge sheet has been filed, trial may take sometime for its conclusion, co-accused has already been granted bail and in the matter registered earlier as aforementioned on the basis of the facts in the said matter the applicant has been granted bail by the

court of Session, 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.30,000/- with one solvent surety of like sum amount to the satisfaction of Chief Judicial Magistrate, 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