

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3736 of 2017**

- Nanki @ Dileep Kumr Mandle S/o Vikram Mandle, Aged About 34 Years R/o Village Saklor, Post Office & Police Station Suhela, District Baloda Bazar Bhatapara Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Suhela, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Shri Shivendu Pandya, Advocate
 For Respondent/State : Shri Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19.7.2017**

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.36/2017 registered in Police Station Suhela, Distt. Baloda Bazar-Bhatapara (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 18.4.2017, after investigation, concerned police has filed charge sheet which is pending before Chief Judicial Magistrate, Baloda Bazar against Ishwar Ratre, Sant Kumar Mandeleshwar and present applicant Nanki @ Dileep Kumar Mandle and in the charge sheet it is also shown that co-

accused Gulab Ansari is not traceable and after the arrest of Gulab Ansari supplementary charge sheet may be filed under Section 173(8) of the Cr.P.C. Learned counsel for the applicant is not aware of the criminal case number. As per the allegation, all the above three accused against whom the charge sheet has been filed were illegally in conscious possession of 10.440 bulk liters of country made liquor and when the police party reached on the spot, present applicant ran away from the spot and during investigation, 10.440 bulk liters of liquor has been seized from co-accused Ishwar Ratre and Scooty bearing registration No. CG 04 HN 4329 has been seized from co-accused Sant Kumar Mandeleshwar. Present applicant was arrested subsequently, other two co-accused persons were granted bail vide order dated 26.5.2017 by the Vacation Judge in M.Cr.C. No.2445/2017. Case of the present applicant is similar to the co-accused Ishwar Ratre and Sant Kumar Madeleshwar, he will not commit any offence in future, hence, he may be granted bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant on the basis of earlier Crime No.4/10 under Sections 379 & 411 of the IPC registered against the applicant.

5. Perused the entire material.

6. On due consideration of the fact that co-accused persons have already been granted bail by the coordinate Bench of this Court and also the matter registered against the applicant about

seven years ago and the said matter was not in connection of similar offence, upon consideration of the entire facts, I am inclined to grant one last opportunity to the applicant so that he shall not commit any 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 one solvent surety of like sum amount to the satisfaction of Chief Judicial Magistrate, Baloda Bazar 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