

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3799 of 2017**

- Raju @ Khileshwar Verma S/o Nandan @ Sukhnandan, Aged About 27 Years R/o Village Marra, Police Station Utai, Tahsil Patan, District Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Utai, District Durg, Chhattisgarh

---- Respondent

For Applicant	: Shri Jitendra Gupta, Advocate
For Respondent/State	: Shri UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****30.6.2017**

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.68/2017 registered in Police Station Utai, Distt. Durg (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 29.3.2017, after investigation, police has filed charge sheet against the applicant and co-accused Heera Lal which is pending before Judicial Magistrate First Class, Patan. Learned counsel for the applicant is not in a position to state the criminal case number. As per the allegation 6.120 bulk liters of foreign liquor has been seized from the possession of co-accused Heera Lal along with

motor cycle bearing registration No.CG 07 ZE 2631. It is alleged that the applicant was successful in running away from the spot but later on he was arrested. 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 quantity of liquor so seized during investigation and other facts.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in custody for three months and one day, he is the first offender, charge sheet has been filed, the trial may take sometime for its conclusion and upon 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, 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.25,000/- with one solvent surety of like sum amount to the satisfaction of the Judicial Magistrate First Class, Patan, Distt. Durg 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