

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3829 of 2017**

- Murlidhar S/o Mahadev Aged About 35 Years Caste- Ghansiya, R/o Village Amarkot, Police Station & Tahsil- Saraypali, District- Mahasamund, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station Saraypali, District Mahasamund, Chhattisgarh

---- Respondent

For Applicant : Shri PP Sahu, Advocate
 For Respondent/State : Shri UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****05.7.2017**

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.149/2017 registered in Police Station Saraipali, Distt. Mahasamund (CG) for the offence punishable under Section 34(2) of the CG Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 09.5.2017, after investigation Police has filed charge sheet which is pending before Chief Judicial Magistrate, Mahasamund as Criminal Case No.1288/17. As per the allegation, 30 bulk liters of hand made country liquor has been seized from the possession of the 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 arguments advanced on behalf of the applicant on the ground that huge quantity of liquor seized from the possession of the applicant but fairly submits that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. The applicant is in jail for about one month twenty six days, charge sheet has been filed, trial may take sometime for its conclusion, the applicant is the first offender though quantity of liquor so seized is on higher side, but considering 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 separate solvent sureties of Rs.25,000/- to the satisfaction of Chief Judicial Magistrate, Mahasamund, 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