

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3968 of 2017**

- Ishwar Sahu S/o Hansu Sahu, aged about 32 years, R/o Kaniya, Police Station Birsa, Tahsil Baihar, District Balaghat (M.P.)

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Rengakhar, District Kabirdham (C.G.)

---- Respondent

For Applicant	: Shri Rup Nayak, Advocate
For Respondent/State	: Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17.7.2017**

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.15/2017 registered in Police Station Rengakhar, Distt. Kabirdham (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 17.05.2017, after investigation, concerned police has filed charge sheet against the present applicant and Co-accused- Bahal Sori, which is pending as Criminal Case No.563/17 before Chief Judicial Magistrate Kabirdham (C.G.). As per the allegation from the joint possession of applicant and co-accused

Bahal sori 8 bulk liters hand made country liquor alongwith one unnumbered moter-cycle has been seized from the spot. He further submits that charge sheet has been filed, the trial may take sometime for its conclusion, the applicant 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 the applicant on the basis of quantity of the liquor so seized from the applicant and also as the applicant is the resident of Balaghat (M.P.).

5. Perused the entire material.

6. Looking to the fact that the applicant is in custody since two months till date, charge sheet has been filed, the trial may take sometime for its conclusion , there is no earlier criminal antecedent reported by the Police Rengakhar District-Kabirdham (C.G.) only on the basis of the facts that the applicant is a resident of nabourring State he can not deprive of bail. 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.50,000/- with two separate solvent sureties of Rs. 25,000/- to the satisfaction of Chief Judicial Magistrate Kabirdham (C.G.), 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