

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3971 of 2017**

- Dhannu @ Durgesh Soni S/o Dinesh Soni, aged 19 years, R/o Ward no. 15, near garden Nevra, P. S.-Nevra, Dist.-Raipur (C.G.).

---- Applicant

Versus

- State of Chhattisgarh through: P.S.- Nevra, Dist. Raipur (C.G.)

---- Respondent

For Applicant	: Ms. Arpana Singh, Advocate
For Respondent/State	: Shri Arvind Shukla, 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.75/2017 registered in Police Station Nevra, Distt. Raipur (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 19.02.2017, after investigation, concerned police has filed charge sheet against the present applicant which is pending as Criminal Case No.154/17 before JMFC Tilda District-Raipur (C.G.). As per the allegation from the possession of applicant -Dhannu @ Durgesh Soni 19.080 bulk liters country liquor has been

seized. The applicant is aged about 19 years. 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.

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, the applicant is aged about 19 years and he is first offender and he has not any criminal antecedent earlier though, the quantity of liquor so seized is on higher side. 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 JMFC Tilda Dist.-Raipur (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