

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4045 of 2017**

- Satyanarayan S/o Sawandas Satnami, Aged About 35 Years R/o Village Kareli, Tahsil Berla, Police Station Berla, District Bemetara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Berla, District Bemetara, Chhattisgarh

---- Respondent

For Applicant : Shri PP Sahu, 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.118/2017 registered in Police Station Berla, Distt. Bemetara (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, Bemetara as Criminal Case No.686/17. As per the allegation, 8.460 bulk liters of country made liquor and foreign liquor has been seized from the possession of the

applicant. Learned counsel for the applicant submits that though earlier as many as 13 cases have been registered against the applicant, out of them five matters have been initiated under the preventive proceedings, six matters have been registered against under Sections 36 A, F (1) of the Excise Act and two matters under Section 34 (10(a) of the Excise Act have been registered and preventive proceedings have been closed after the stipulated time and the matters in relation with Section 36 of the Excise Act, he has already paid the fine amount and other matters are bailable ones. As per the information received, the applicant never sentenced for substantive jail sentences. The applicant will not commit any offence in future, the trial may take sometime for its conclusion 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 basis of the quantity of liquor so seized from the applicant and also considering his criminal antecedent which are as follows:

Sl. No.	Crime Number	Offence U/S.
01.	134/2006	36A of CG Excise Act, 1915
02.	86/2008	36A of CG Excise Act, 1915
03.	194/2009	36A of CG Excise Act, 1915
04.	21/10	110 Cr.P.C.
05.	104/2011	36A of CG Excise Act, 1915
06.	04/2012	36A of CG Excise Act, 1915
07.	Complaint Case dated 20.5.2014	110 Cr.P.C.
08.	161/2014	34(1)(A) of the CG Excise Act, 1915
09.	324/2015	36 F (1) of CG Excise Act, 1915
10.	Complaint Case dated 07.12.2015	107, 116 Cr.P.C.

11.	246/2016	34(1)A of CG Excise Act, 1915
12.	07/2016	110 Cr.P.C.
13.	Complaint Case dated 06.6.2017	41 (2), 110 Cr.P.C.

5. Perused the entire material.

6. The applicant is in custody for three months, charge sheet has been filed, the trial may take sometime for its conclusion, though earlier aforementioned matters have been registered against the applicant but on the basis of the facts as surfaced and nature of matters registered against the applicant, I am inclined to grant one last opportunity to the applicant, so that he shall not commit any offence of similar or other nature 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.1,00,000/- with two separate solvent sureties of Rs.50,000/- to the satisfaction of the concerned trial Judge 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.

10. It is further directed that till the conclusion of the trial, present applicant shall mark his appearance before the Station House Officer/IO, Police Station Berla, Distt. Bemetara **on First and Third Monday of every month at 11.00 am.** It is further made clear that if the applicant without any cogent and proper reason does not appear before the Police of Police Station Berla, Distt. Bemetara as directed, the concerned police may inform the trial Court for the act and if his non appearance found to be without any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Registrar (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

Certified copy as per rules

Sd/-
(Chandra Bhushan Bajpai)
JUDGE