

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4100 of 2017**

- Pradeep Bhoi S/o Pavatro Bhoi, Aged About 29 Years R/o Village Barbaspur, Police Station Basna, Tahsil Basna, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Basna, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Shri Ravi Bhagat, Advocate
 For Respondent/State : Shri UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****25.7.2017**

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.152/2017 registered in Police Station Basna, Distt. Mahasamund (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant submits that applicant has been arrested on 09.4.2017, after investigation, concerned police has filed charge sheet which is pending before Chief Judicial Magistrate, Mahasamund as Criminal Case No.1039/2017. As per the allegation, 120.960 bulk liters of foreign liquor has been seized from the possession of the applicant.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of applicant on the basis of huge quantity of liquor so seized from the applicant and would fairly submit that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. The applicant is in custody for three months and sixteen days, charge sheet has been filed, the trial may take sometime for its conclusion, he is the first offender, though the quantity of liquor so seized is on higher side but considering the other facts, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any other crime and shall remain peacefully in the society.

7. Accordingly, the bail application filed on behalf of applicant under Section 439 of the Cr.P.C. is hereby allowed.

8. It is directed that 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 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.

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 Basna, Distt. Mahasamund **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 Basna, Distt. Mahasamund 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