

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4121 of 2017**

- Bhagat Ram Dhruv S/o Domu Ram Dhruv, Aged About 45 Years Caste Gond, R/o Village Bhaismudi, Police Station & Post Office Amlipadar, District Gariyaband, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Amlipadar, District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Shri Shivendu Pandya, Advocate
 For Respondent/State : Shri Arvind Shukla, 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.24/2017 registered in Police Station Amlipadar, Distt. Gariyaband (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 28.3.2017, after investigation, charge sheet has been filed, which is pending before Chief Judicial Magistrate, Gariyaband as Criminal Case No.535/2017. As per the allegation, 25.020 bulk liters of country made liquor/foreign liquor has been seized from the possession of the applicant. He is the first offender, he will not commit any offence in future, the trial may take some time for its conclusion, hence he may be granted bail.

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, but fairly submits 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 twenty seven 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.50,000/- with two separate solvent sureties of Rs. 25,000/- to the satisfaction of the Chief Judicial Magistrate, Gariyaband 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