

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4307 of 2017**

- Rajkumar Yadav S/o Kamol Ram Yadav, Aged About 28 Years
R/o Village Madan Mudabhata Police Station Pali, District Korba
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station Pali, District Korba Chhattisgarh

---- Respondent

For Applicant : Shri Wasim Miyan, Advocate
For Respondent/State : Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****02.8.2017**

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.101/2017 registered in Police Station Pali, Distt. Korba (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicants submits that the applicant has been arrested on 25.5.2017, after investigation police has filed charge sheet which is pending before Judicial Magistrate First Class, Pali, Distt. Korba as Criminal Case No.237/2017. Learned counsel for the applicant submits that the applicant is the first offender, except the present matter registered against the applicant, he was never involved in any other offence earlier. As per the allegation,

10.00 bulk liters of hand made country liquor has been seized from the possession of the applicant. 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 of the applicant on the basis of the quantity of liquor so seized from the applicant but fairly considered that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. The applicant is in custody for two months and seven days, charge sheet has been filed, the trial may take sometime for its conclusion, the applicant was never involved in any of the offence. On consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he shall remain in the society without committing any 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.30,000/- with one solvent surety of like sum amount to the satisfaction of the Judicial Magistrate First Class, Pali, Distt. Korba 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