

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4440 of 2017**

- Tameshwar Sahu S/o Khomlal Sahu, Aged About 30 Years R/o Village Gidhwa, Police Chowki Pinkapar, Police Station Devri, District Balod, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Office, Police Chowki Pinkapar, Police Station Gurur, District Balod, Chhattisgarh.

---- Respondent

For Applicant	: Shri SK Guha, Advocate
For Respondent/State	: Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10.8.2017**

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.37/2016 registered in Police Station Devri, Distt. Balod (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 15.4.2017, after investigation, concerned police has filed charge sheet, which is pending before Chief Judicial Magistrate, Balod as Criminal Case No.23/2017. As per the allegation, from the possession of the applicant, 8.640 bulk liters of country made liquor has been seized. He is the first

offender, he will not commit any offence in future, as the trial may take sometime for its conclusion, 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 submits that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. As the applicant is in custody for three months and twenty five days, charge sheet has been filed, the trial may take sometime for its conclusion, he is the first offender, and also considering the entire facts, I am inclined to give one opportunity to the applicant so that he shall not involve in any other offence in future and shall remain peacefully in the society.

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.40,000/- with one solvent surety of like sum amount to the satisfaction of the Chief Judicial, Balod 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