

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4236 of 2017**

- Khirsindhu Patnayak S/o Kunj Bihari Patnayak, Aged About 44 Years R/o Village Dhumabhatha, Chowki Bhavarpur, Thana Basna, Tahsil Pithora And District Mahasamund Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station (Chowki Bhavarpur) Basna, District Mahasamund Chhattisgarh

---- Respondent

For Applicant : Shri Vikash Pradhan, Advocate
 For Respondent/State : Shri UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****26.7.2017**

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.250/2017 registered in Out Post Bhavarpur, 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 the applicant has been arrested on 12.6.2017, the matter is still under investigation and the applicant has been remanded by Chief Judicial Magistrate, Mahasamund. As per the allegation, 06.00 bulk liters of hand made liquor has been seized from the

possession of the applicant. The applicant is the first offender, he 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 but fairly submits that there is no criminal antecedent reported against the applicant prior to the incident.

5. Perused the entire material.

6. The applicant is in custody for one month and fourteen days, charge sheet is not yet filed, the trial may take sometime for its conclusion and considering the entire facts and circumstances of the case, I am inclined to grant bail to the applicant.

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.25,000/- with one solvent surety of like sum amount 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.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE