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HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.4250 of 2017

- Raju Kurre S/o Suresh Kurre, Aged About 28 Years R/o Chandipara, Ward No. 4, Kurud, Tahsil Kurud, District Dhamtari, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate/ Collector, Dhamtari, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Shri Shailendra Dubey, Advocate
For Respondent/State : Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

01.8.2017

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.37/2017 registered in Police Station Kurud, District Dhamtari (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 02.5.2017, after investigation charge sheet has been filed which is presently pending before Chief Judicial Magistrate, Dhamtari as Criminal Case No.437/2017. Learned counsel for the applicant submits that the applicant will not commit any offence in future and as per allegation, 8.640 bulk liters of

country made liquor has been seized from the applicant. The trial may taken 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 and also on the basis of following matters registered against the applicant prior to the present matter.

Sl. No.	Date	Offence U/s.
01.	05.9.2017	34(2) of CG Excise Act, 1915
02.	10.4.2014	34(1) a of the CG Excise Act, 1915
03.	30.7.2011	25 & 27 of Arms Act

He further submits that there is also an allegation against the applicant that he was having knife of restricted size and showing it to the public view.

5. Perused the entire material.

6. The applicant is in custody for two months, looking to the facts regarding earlier registration of offence against the applicant and also the submission of learned counsel for the applicant that the applicant was granted bail and he was never convicted in the aforementioned matters and will not commit any offence in future, I am inclined to grant one last opportunity to the applicant so that he will not commit any 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.50,000/- with two separate solvent sureties of Rs.25,000/- to the satisfaction of the concerned trial Court 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 Cort 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 Kurud, District Dhamtari **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 Kurud, Distt. Dhamtari 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

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