

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4323 of 2017**

- Ramcharan S/o Shri Udalram Gandharv, Aged About 32 Years R/o Uraikachhar, Police Station Lormi, District Mungeli, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Lormi Mungeli, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Shri Dheerendra Pandey, Advocate
 For Respondent/State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11.8.2017**

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.111/2017 registered in Police Station Lormi, Mungeli (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 01.4.2017, after investigation, concerned police has filed charge sheet, which is pending before Chief Judicial Magistrate, Mungeli as Criminal Case No.579/2017. As per the allegation, from the possession of the applicant, 5.025 bulk liters of country made liquor has been seized. Learned

counsel for the applicant would submit that the applicant is in custody since long, he will not commit any offence in future, he may be granted an opportunity to remain on bail during trial. Learned counsel for the applicant further submits that Complaint No.297/2004 registered against the applicant under Section 107 and 116 (3) of CrPC was in relation with preventive proceedings about 13 years ago and also Crime No.256/2010 has been registered against the applicant under Section 452, 294, 506 of the IPC and in the said matter the applicant has been enlarged on bail and he was never convicted in any crime and in another matter i.e. Crime No.484/2016 has been registered under Section 34(1)a of the CG Excise Act, 1915 which is of a bailable nature. Looking to the entire fact including the period of detention, he may be granted bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant and would submit that in the aforementioned matters, one is of preventive proceedings initiated against the applicant, one matter is of bailable offence and another matter is in relation with other penal offence, hence the instant bail application may be dismissed.

5. Perused the entire material.

6. As the applicant is in custody for four months and eleven days, the trial may take sometime for its conclusion, though the aforementioned matters have been registered against the applicant, on due consideration of the entire facts, I am inclined to

give one opportunity to the applicant so that he 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 Magistrate, Mungeli 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