

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4484 of 2017**

- Sameer @ Sanju Pawar S/o Late Bhraur Pawar, Aged About 18 Years R/o Khurseedih Pardhi Mohalla Police Station Pulgaon Tehsil And District Durg Chhattisgarh (Particular Of The Applicant Is Based On Charge Sheet Not Given In Impugned Order)

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate District Durg Chhattisgarh

---- Respondent

For Applicant : Shri Avinash Chand Sahu, Advocate
 For Respondent/State : Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****09.8.2017**

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.167/2017 registered in Police Station Pulgaon, Distt. Durg (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 28.3.2017, after investigation, concerned police has filed charge sheet, which is pending before Judicial Magistrate First Class, Durg as Criminal Case No.2843/17. As per the allegation, 6.840 bulk liters of country made liquor has

been seized from the possession of the applicant. The applicant is aged about 18 years, 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 and would submit that earlier Crime No. 361/2016 under Sections 294, 506, 323, 34 of the IPC has been registered against the applicant.

5. Perused the entire material.

6. The applicant is in custody for four months and eleven days, charge sheet has been filed, the trial may take sometime for its conclusion, though earlier aforementioned matter has been registered against the applicant but on due consideration of the entire facts including detention and quantity of liquor so seized, 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.30,000/- with one solvent surety of like sum amount to the satisfaction of the Judicial Magistrate First Class, Durg 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