

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4404 of 2017**

- Ganesh Patel S/o Vishnu Prasad Patel, Aged About 48 Years
R/o Sakin Tonatar, Bhatapara Gramin, Hall Mukam Hirmi Thana
Suhela, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Suhela,
District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Ms. Supriya Upasane, Advocate
For Respondent/State : Shri UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****16.8.2017**

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.82/2017 registered in Police Station Suhela, Distt. Baloda Bazar-Bhatapara (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 16.6.2017, charge sheet is not yet filed, the applicant has been remanded under the authority of Chief Judicial Magistrate Baloda Bazar-Bhattapara. As per the allegation, 6.190 bulk liters of country made/foreign 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 sometimes for its conclusion, hence the applicant may be released on bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant, but fairly submits that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. The applicant is in jail two months, as submitted charge is not yet filed, trial may take sometimes for its conclusion, he is the first offender, considering the entire facts, I am inclined to grant one 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.25,000/- with one solvent surety of like sum amount to the satisfaction of Chief Judicial Magistrate, Baloda Bazar/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 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