

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4475 of 2017**

- Kishan Mishra S/o Late Shivbharat Aged About 19 Years R/o Village Shankar Nagar Radha Krishna Mandir Thana Torwa, Tahsil And District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh

---- Respondent

For Applicant	: Shri Krishna Kumar Khatri, Advocate
For Respondent/State	: Shri Neeraj Mehta, 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.193/2017 registered in Police Station Torwa, Distt. Bilaspur (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 09.6.2017, after investigation, concerned police has filed charge sheet, which is pending before Special Railway Magistrate, Bilaspur as Criminal Case No.2511/17. As per the allegation, 5.200 bulk liters of hand made country liquor has been seized from the possession of the applicant. The applicant is aged about 19 years, 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 but fairly submits that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. The applicant is in custody since two months, charge sheet has been filed, he is the first offender, the trial may take sometime for its conclusion, he is aged about 19 years, as submitted he will not repeat any offence in future and considering other facts, 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 Special Railway Magistrate, Bilaspur 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