

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4499 of 2017**

- Prashant Kumar @ Prasanna S/o Punilal, Aged About 30 Years
Caste Satnami, R/o Village Tikari Police Station Masturi District
Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station Masturi District Bilaspur Chhattisgarh

---- Respondent

For Applicant : Shri KK Singh, Advocate
For Respondent/State : Shri Arvind Shukla, 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.154/2017 registered in Police Station Masturi, 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 16.4.2017, after investigation, concerned police has filed charge sheet, which is pending before Judicial Magistrate First Class, Bilaspur as Criminal Case No.1313/17. As per the allegation, 6.300 bulk liters of country made liquor has been seized from the possession of the applicant. The applicant

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 the applicant has criminal antecedent as earlier in the year 2013, one matter under Section 36(C) of the CG Excise Act and in the year 2015 one matter under Section 34(1)a of the CG Excise Act has been registered against him.

5. Perused the entire material.

6. The applicant is in custody for three months and twenty three days, charge sheet has been filed, the trial may take sometime for its conclusion, though earlier aforementioned two matters have been registered against the applicant but on due consideration as the matters were bailable one and looking to the quantity of liquor so seized and the period of detention, 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, 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