

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4502 of 2017**

- Guddu @ Tejmmul Ansari S/o Late Gyasuddin, Aged About 34 Years R/o Tarun Bazar, Santoshi Nagar, Tikrapara, Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tikrapara Raipur, District Raipur, Chhattisgarh.

---- Respondent

 For Applicant : Shri Gurudev I Sharan, Advocate
 For Respondent/State : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

11.9.2017

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.331/2017 registered in Police Station Tikrapara, Distt. Raipur (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 17.6.2017, after investigation, police has filed charge sheet which is presently pending before Chief Judicial Magistrate, Raipur as Criminal Case No.5578/2017. Learned counsel for the applicant would submit that the trial may take some time for its conclusion, the applicant was never involved in any of the similar offence though as per order sheet dated 10.8.2017, 8 cases have been registered against the applicant out of which, three cases were in relation with preventive proceedings which automatically

closed after six months of its initiation. The applicant has been granted bail in connection with Crime No.531/15 by the Court of session and in another matter mentioned, the applicant has been granted bail by the trial Court/concerned Court, he was never convicted by any criminal Court. As per the allegation, 5.940 bulk liters of country made liquor has been seized from the possession of the applicant. He will not commit any offence in future, he may be granted bail.

4. Per contra, learned counsel for the respondent/State opposed the arguments advanced on behalf of the applicant on the basis of other matters registered against the applicant though no any similar offence, but in other penal offence.

5. Perused the entire material.

6. The applicant is in custody for two months and twenty five days, charge sheet has been filed, the trial may take some time for its conclusion, no excise matter has been registered against the applicant prior to the present matter, though the applicant was involved in other matters as aforementioned, the applicant is not convicted by any Criminal Court. On consideration of the entire facts, I am inclined to grant one last 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 concerned

trial Judge 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.

10. It is further directed that till the conclusion of the trial, present applicant shall mark his appearance before the Station House Officer/IO, Police Station Tikrapara, Distt. Raipur **on First and Third Monday of every month at 11.00 am.** It is further made clear that if the applicant without any cogent and proper reason does not appear before the Police of Police Station Tikrapara, Distt. Raipur as directed, the concerned police may inform the trial Court for the act and if his non appearance found to be without any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Additional Registrar (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary

to be returned to the concerned police for compliance and information.

Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE

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