

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4561 of 2017**

- Sonadhar Baghel S/o Vasudev Baghel, Aged About 55 Years R/o- Village Bharuvamuda, Police Station & Post Office- Devbhog, District- Gariyaband, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Devbhog, District- Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Shri Shivendu Pandya, Advocate
 For Respondent/State : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11.8.2017**

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.95/2017 registered in Police Station Devbhog District Gariyaband (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 14.5.2017, after investigation, concerned police has filed charge sheet, which is pending before Chief Judicial Magistrate, Gariyaband as Criminal Case No.669/2017. As per the allegation, from the possession of the applicant, 15 bulk liters of hand made country liquor has been seized. Learned

counsel for the applicant would submit that the applicant is the first offender, he will not commit any offence in future, hence, he may be granted an opportunity to remain on bail during trial.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant on the basis of the quantity of liquor so seized from the applicant but fairly submits that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. As the applicant is in custody for two months and twenty seven days, charge sheet has been filed, the trial may take sometime for its conclusion, he is the first offender and considering the other facts, I am inclined to give 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.40,000/- with one solvent surety of like sum amount to the satisfaction of the Chief Judicial Magistrate, Gariyaband 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