

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4570 of 2017**

- Akka Gond S/o Dharam Gond, Aged About 34 Years R/o Baloda, Sabariyadera, Tundri, Police Station Gidhouri (Tundri) District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Gidhouri, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Shri Anil Gulati, Advocate
 For Respondent/State : Shri Anant Bajpai, 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.118/2017 registered in Police Station Gidhouri (Tundri), Distt. Baloda Bazar-Bhattapara (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicant submits that the applicant has been arrested on 28.6.2017, the police has not yet filed charge sheet and the applicant has been remanded by Chief Judicial Magistrate Baloda Bazar. As per the allegation, 32 bulk liters of hand made country liquor has been seized from the

possession of the applicant. He is the first offender, he will not commit any offence in future, as the trial may take sometimes for its conclusion, the applicant may be released on bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant on the basis of the huge quantity of liquor so seized from the possession of the applicant, and also on the basis of criminal antecedent reported against the applicant which are as follows:

SL. No.	Crime No.	Offence U/S.
01.	Complaint No. 81/13	107, 117(3) Cr.P.C
02.	41/13	294, 323, 506/34 IPC

5. Perused the entire material.

6. The applicant is in custody for one month and thirteen days, charge sheet is not yet filed, the trial may take sometimes for its conclusion, the applicant was never involved in similar offence earlier and looking the preventive proceedings and another penal offence registered against the applicant about 4 years ago and as there is no material to demonstrate that the applicant has been convicted in the above matters, 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.50,000/- with two separate solvent sureties of Rs.25,000/- to the satisfaction of Chief Judicial magistrate, Baloda Badar 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