

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No.4572 of 2017**

- Lankesh S/o Shri Bhagwani Ghritlahre, Aged About 26 Years Occupation Agriculture Labour, R/o Village Pachari, Thana Patewa, Tahsil, Civil & Revenue District Mahasamund, Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Patewa, Civil & Revenue District Mahasamund, Chhattisgarh.

---- Respondent

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| For Applicant        | : Shri Sunil Sahu, Advocate      |
| For Respondent/State | : Shri Wasim Miyan, Panel Lawyer |

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**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.81/2017 registered in Police Station Patewa, Distt. Mahasamund (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 26.6.2017, after investigation, Police has filed charge sheet which is pending before Chief Judicial Magistrate, Mahasamund as Criminal Case No.S-1537/2017. As per the allegation 7.600 bulk liters of country made liquor has

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

4. Per contra, learned counsel for the State opposed 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 jail for one month and fifteen days, charge sheet has been filed, trial may take sometimes for its conclusion, he is the first offender, considering the entire facts, 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.30,000/- with one solvent surety of like sum amount to the satisfaction of Chief Judicial Magistrate, Mahasamund 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**