

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4624 of 2017**

- Chaitram S/o Brijlal Sahu, Aged About 58 Years R/o Village Saraipatera, Police Station S-Lohara, District Kabirdham Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: Excise Inspector, Excise Circle S-Lohara, District- Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Shri PP Sahu, Advocate
 For Respondent/State : Shri Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****16.8.2017**

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 (Excise) No. 11/2017 registered by investigating agency, Excise Circle Sahaspur Lohara, Distt. Kabeerdham (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 14.6.2017, after investigation, Police has filed charge sheet which is pending before Chief Judicial Magistrate, Kawardha as Criminal Case No.549 /2017. As per the allegation 6.00 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 two month and two 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 bail to the applicants.

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 Chief Judicial Magistrate, Kawardha 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