

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No.4638 of 2017**

- Shiv Prasad son of Pardeshi Chauhan, age about 28 years, resident of Village Badgaon, Thana-Kasdol, Tashil and District-Balodabazar (C.G.).

---- Applicant

**Versus**

- State of Chhattisgarh Through : The Excise Officer, Excise Circle- Pithora, District-Mahasamund (C.G.).

---- Respondent

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| For Applicant        | : Shri Vikash Pradhan, Advocate  |
| For Respondent/State | : Shri Vinod Tekam, Panel Lawyer |

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**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 No.02/2017 registered in Police Station Excise Circle Pithora, District- Mahasamund (CG) for the offence punishable under Section 34 (2) of the CG Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 19.06.2017, after investigation, concerned police has filed charge sheet against the present applicant which is pending before Chief Judicial Magistrate, Mahasamund Dist- Mahasamund (C.G.) as criminal case Number 1357/17. The applicant is the first offender. As per allegation, 7.21 bulk litter foreign

liquor has been seized from the possession of the applicant. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf the applicant though fairly considered that there is no criminal antecedent of the applicant, the instant M.Cr.C. may be dismissed.

5. Perused the entire material.

6. As the applicant is in custody since one month, 27 days till date, charge sheet has been filed, the trial may take sometime for its conclusion, as the applicant is the first offender I am inclined to grant one opportunity to the applicant, so that he shall not commit any similar or other offence in future.

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 surety of Rs. 30,000/- to the satisfaction of Chief Judicial Magistrate, Mahasamund Dist.- Mahasamund (C.G.), 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**