

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4682 of 2017**

- Kedar Mahilange, S/o Late Mahilange, aged about 45 years, R/o Village-Kureli, P. S. Hirri, District Bilaspur (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Hirri, District Bilaspur (C.G.).

---- Respondent

For Applicant	: Shri D. C. Verma, Advocate
For Respondent/State	: Shri Waseem Miyan, 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 No.119/2017 registered in Police Station Hirri, District- Bilaspur (CG) for the offence punishable under Section 34 (2), under Section 59-A of the CG Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 14.06.2017, after investigation, concerned police has filed charge sheet against the present applicant which is pending before Judicial Magistrate First Class, Bilha Dist- Bilaspur (C.G.) as criminal case Number 4861/17. The applicant is the first offender. As per allegation, from 6.500 bulk litter hand made country

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 for its final conclusion.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf the applicant and would submit that prior to the incident Complaint No. 246/14, under Section 107, 116 (3) of the Cr.P.C. has been registered against the applicant. Hence the instant M.Cr.C. may be dismissed.

5. Perused the entire material.

6. As the applicant is in custody since 2 months and 2 days till date, charge sheet has been filed, the trial may take sometimes for its conclusion, though earlier a matter in relation with preventative proceeding has been initiated but looking to the quantity of liquor so seized and other facts, 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 Judicial Magistrate First Class, Bilha Dist.- Bilaspur (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