

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4691 of 2017**

- Chhabilal Chelkar S/o Bharat Lal Chelkar, aged about 21 years,
R/o Village : Chhurikala, Police Station & Tahsil : Katghora,
District- korba (C.G.).

---- Applicant

Versus

- State of Chhattisgarh Through : Station House Officer, Police
Station: Excise Circle Bankimongra, Distt.-Korba (C.G.).

---- Respondent

For Applicant : Shri Vinod Tekam, Advocate
For Respondent/State : Shri Neeraj Mehta, P.L.

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.15/2017 registered in Police Station Excise Circle Bankimongra, District- Korba (CG) for the offence punishable under Section 34 (2) (क) of the CG Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 23.06.2017, charge sheet is not yet filed applicant is remanded by Judicial Magistrate First Class Katghora Distt.- Korba The applicant is is aged about 21 years. As per allegation, 8.00 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 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 1 month, 23 days till date, charge sheet is not yet filed; the trial may take sometime for its conclusion; applicant is aged about 21 year and looking to the quantity of liquor so seized, 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.40,000/- with one surety of Rs. 40,000/- to the satisfaction of Judicial Magistrate First Class, Katghora Distt.- Korba (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