

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4717 of 2017**

- Pritam S/o Horilal, By Caste - Chelkar, Aged About 22 Years R/o Village: Chhurikala, Police Station & Tahsil : Katghora, District Korba, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through: Station House Officer, Police Station: Excise Circle Bankimongra, District: Korba, Chhattisgarh.

---- Respondent

For Applicant : Shri Vinod Tekam, Advocate
 For Respondent/State : Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17.8.2017**

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.14/2017 registered by investigating agency, Excise Circle Bankimongra, Distt. Korba (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 23.6.2017, charge sheet has not been filed, the applicant is remanded by Judicial Magistrate First Class, Katghora, Distt. Korba. As per the allegation, from the possession of the applicant 6.00 bulk liter hand made country liquor has been

seized. Learned counsel for the applicant submits that the applicant is aged about 22 years, first offender, he will not commit any offence in future, as the trial may take some time for its conclusion, he may be granted bail during trial.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that earlier Crime No.35/08 under Sections 147, 148, 149, 294, 506, 323 has been registered against the applicant. Looking to the earlier criminal antecedent, his application may be dismissed.

5. Perused the entire material.

6. The applicant is in jail for one month and twenty four days, never involved with similar offence, charge sheet is not yet filed, the trial may take some time for its conclusion, though earlier as aforementioned matter has been registered against the applicant about eight years ago, on due consideration of 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.25,000/- with one solvent surety of like sum amount to the satisfaction of Judicial Magistrate First Class, Katghora, Distt. Korba 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