

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Misc. Criminal Case No.4748 of 2017**

- Dayaluram Bharti S/o Shri Jethuram Bharti, aged about 50 years, R/O Village Abhanpur Basti, Tahsil Abhanpur and District Raipur (C.G.).

**Versus**

- State of Chhattisgarh Through: Police Station Abhanpur, District-Raipur (C.G.).

**---- Non-applicant**

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For Applicant – Ms. Smita Jha, Advocate.  
For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

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**Hon'ble Shri Justice Chandra Bhushan Bajpai**  
**Order on Board**

**17-08-2017**

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime (Excise) No. 51/2017 on 26-06-2017 by Police Station- Abhanpur, District- Raipur (C.G.) for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation police had filed the charge sheet which is pending before the Judicial Magistrate First Class, Raipur, C.G. as Criminal Case No.5027/17. The applicant is the first offender Trial may take some time. The applicant will not commit any offence in future. He may be granted bail till trial.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would further submit that earlier a Crime NO. 164/13 under Section 36 (C) of the C.G. Excise Act, 1915 has been registered against the applicant, hence the instant M.Cr.C. May be dismissed.

4. Perused the entire material.

5. As the applicant is in jail since 1 month and 21 days till date, charge-

sheet has been filed, though applicant is involved in another matter which is bailable one, after consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any crime and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class, Raipur, C.G. for his appearance before the said Court as and when directed till trial.

6. 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 above, the Court below may proceed further under the provisions of law under intimation.

7. Certified copy as per rules.

Sd/-  
**(Chandra Bhushan Bajpai)**  
Judge