

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4814 of 2017**

- Ghuran Jha S/o Late Kashinaresh Jha, Aged About 42 Years R/o Danteshwari Ward Jagdalpur, District Bastar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Bodhghat, Jagdalpur, District Bastar, Chhattisgarh.

---- Respondent

For Applicant	: Shri PK Tulsyan, Advocate
For Respondent/State	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****21.8.2017**

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.199/2017 registered in Police Station Bodhghat, Distt. Bastar for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicant submits that the applicant has been arrested on 02.7.2017, after investigation police has filed charge sheet which is pending before Chief Judicial Magistrate, Jagdalpur as Criminal Case No.1159/2017. As per the allegation, from the possession of applicant, 8.750 bulk liters of foreign liquor has been seized. The applicant is the 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.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant on the basis of quantity of liquor so seized and also earlier Criminal Case No.96/17 under Section 34(1)a of the CG Excise Act has been registered against the applicant.

5. Perused the entire material.

6. The applicant is in custody for one month and nineteen days, the trial may take some time for its conclusion, though earlier one matter has been registered against the applicant prior to the present incident, but the same was a bailable one, after 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.30,000/- with one solvent surety of like sum amount to the satisfaction of Chief Judicial Magistrate, Jagdalpur 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