

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4869 of 2017**

- Laxmi Naryan Bandhe S/o Baghel Bandhe Aged About 52 Years R/o Village Khorsi, Police Station Kharora Raipur, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Its Police Station Kharora, Civil & Revenue District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Shri BL Sahu, Advocate
For Respondent/State	: Shri UKS Chandel, 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.85/2017 registered in Police Station Kharora, Distt. Raipur 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 04.7.2017, charge sheet is not yet filed and the applicant has been remanded by Judicial Magistrate First Class, Raipur. The applicant will not commit any offence in future, as the trial may take some time for its conclusion, he may be enlarged on bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that the applicant absconded on the date of incident and he was arrested after three months and as per the allegation he was in illegal possession of 7.200 bulk liters of foreign liquor which he left at the spot. Also following matters have been registered against the applicant prior to the present incident.

Sl. No.	Crime No.	Offence U/s.
01.	06/448/14	36C of CG Excise Act, 1915
02.	04/292/16	36C of CG Excise Act, 1915
03.	Complaint Case No.03/188	107, 116(3) CrPC

Hence, looking to the entire facts surfaced, instant bail application may be dismissed.

5. Perused the entire material.

6. The applicant is in custody for one month and seventeen days, charge sheet is not yet filed, the trial may take some time for its conclusion, though earlier the applicant was absconding for three months and one preventive proceedings and two other matters have been registered against the applicant which were of bailable in nature, and also considering the other 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.50,000/- with two solvent sureties of Rs.25,000/-to the satisfaction of the trial Court 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.

10. It is further directed that till the conclusion of the trial, present applicant shall mark his appearance before the Station House Officer/IO, Police Station Kharora, Distt. Raipur **on First and Third Monday of every month at 11.00 am.** It is further made clear that if the applicant without any cogent and proper reason does not appear before the Police of Police Station Kharora, Distt. Raipur as directed, the concerned police may inform the trial Court for the act and if his non appearance found

to be without any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Registrar (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE