

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4943 of 2017**

- Ganesh Ram Ahirwar S/o Januna Prasad Aged About 30 Years Caste Ahirwar, R/o Pondi Khurd, Chowki Korbi, Police Station Pasan, District Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: The Station House Officer, Chowki Korbi Police Station Pasan, District Korba Chhattisgarh.

---- Respondent

For Applicant : Shri Basant Kaiwartya, Advocate
 For Respondent/State : Shri UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****22.8.2017**

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.59/2017 registered in Outpost Korbi Police Station Pasan, Distt. Korba (CG) 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 15.7.2017, charge sheet is not yet filed and the applicant has been remanded by Judicial Magistrate First Class, Katghora. As per the allegation 5.180 bulk liters of country made/foreign liquor along with sale proceed of Rs.120/- has been seized from the applicant. 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 but fairly submits that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. The applicant is in custody for one month and seven days, charge sheet is not yet filed, the trial may take some time for its conclusion, he is the first offender, upon 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 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.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE