

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4956 of 2017**

- Rajveer Singh @ Marshal S/o Rakesh Rajput, Aged About 19 Years R/o Kripal Nagar Supela Bhilai, P.S. Supela, Civil & Revenue District Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Chhuriya, District Rajnandgaon, Chhattisgarh

---- Respondent

 For Applicant : Shri Sunil Sahu, Advocate
 For Respondent/State : Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

18.9.2017

Heard the matter finally.

2. This is the 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.128/2017 registered in Police Station Chhuriya, Distt. Rajnandgaon for the offence punishable under 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 17.7.2017, after investigation, concerned police has filed charge sheet against the applicant, which is pending as Chief Judicial Magistrate, Rajnandgaon as Criminal Case No.2820/2017. As per the allegation, from the possession of present applicant 5.400 bulk liters of foreign liquor has been seized. Learned counsel for the applicant would submit that he will not commit any offence in future, he may be given an opportunity to remain on bail as the trial may taken sometime for his release. Though against the

applicant another matter under Crime No.125/2017 has been registered for the similar offence, but in the said matter nothing has been seized from the applicant. Hence, he may be granted bail.

4. Per contra, learned counsel for the State opposes the bail application and would submit that the applicant is involved in a racket of illegal trade of liquor in huge quantity, hence, the instant bail application may be dismissed.

5. Perused the entire material.

6. The applicant is in custody for two months and one day, charge sheet has been filed, the trial may take sometime, he is aged about 19 years, though another matters has been registered against him, but in the said matter nothing has been seized from him. On 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.50,000/- with two separate solvent sureties of Rs.25,000/- to the satisfaction of Chief Judicial Magistrate, Rajnandgaon 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 Chhuriya, Distt. Rajnandgaon n **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 Churriya, Distt. Rajnandgaon, as directed, the concerned police may inform the trial Court for the act and if his 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