

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4975 of 2017**

- Mohammad Naushad S/o Mohammad Ansar, Aged About 27 Years R/o Near Ram Maidan, Santoshi Nagar, Post Office Raipur, Police Station Tikrapara Raipur, Tahsil And District Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gol Bazar, District Raipur, Chhattisgarh

---- Respondent

 For Applicant : Shri Shivendu Pandya, Advocate
 For Respondent/State : Shri UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

01.9.2017

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.216/2017 registered in Police Station Gol Bazar, Distt. Raipur (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 05.7.2017, after investigation charge sheet has been filed which is pending before Judicial Magistrate First Class, Raipur as Criminal Case No.5757/2017. As per the allegation, 7.920 bulk liter foreign liquor has been seized from the possession of the applicant. The applicant is the first offender, never involved with similar offence prior to the present incident, 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 the quantity of liquor so seized from the applicant and also as Crime No.43/09 under Section 4a of the Public Gambling Act , 1867 has been registered against the applicant.

5. Perused the entire material.

6. The applicant is in custody for one month and twenty seven days, charge sheet has been filed, the trial may take some time for its conclusion, the applicant was never involved with similar offence, though one matter had been registered against him about 8 years ago and the same is a bailable one, I am inclined to grant one last 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 Judicial Magistrate First Class, Raipur 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 today itself.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE