

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5046 of 2017**

- Dharam Bibhar S/o Shri Bodo Bibhar, Aged About 45 Years R/o Near Jaikaran Hotel, Titurdih, Durg, Tehsil And District Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Officer In Charge Of Police Station Excise Circle Durg, City Durg (East), Tehsil And District Durg (Chhattisgarh).

---- Respondent

For Applicant	: Shri Shobhit Koshta, Advocate
For Respondent/State	: Shri UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****28.8.2017**

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 (Excise) No.50/2017 registered by investigating agency, Excise Circle, Durg, City Durg (East), Distt. Durg (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 17.7.2017, charge sheet is not yet filed, the applicant has been remanded by Chief Judicial Magistrate, Durg. As per the allegation, 6.840 bulk liters of handmade country liquor has been seized from the possession of the applicant. He 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 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 eleven days, charge sheet is not yet filed, he is the first offender, the trial may take some time for its conclusion, 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.30,000/- with one solvent surety of like sum amount to the satisfaction of Chief Judicial Magistrate, Durg 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