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**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No.5003 of 2017**

- Ayodhya Prasad S/o Shri Palhau Chandrawanshi, Aged About 55 Years R/o Village Chachedi, Police Station Pipariya & Tahsil Kawardha, Civil & Revenue District Kabirdham, Chhattisgarh

**---- Applicant****Versus**

- State Of Chhattisgarh Through The Station House Officer, Excise Circle Kawardha (Wrongly Mentioned Through The District Magistrate Kabirdham), Civil & Revenue District Kabirdham, Chhattisgarh

**---- Respondent**


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For Applicant : Shri Paras Mani Shriwas, Advocate  
 For Respondent/State : Shri Wasim Miyan, Panel Lawyer

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**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.21/2017 registered by investigating agency, Excise Circle Kawardha, Distt. Kabirdham (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 02.7.2017, charge sheet is not yet filed, the applicant has been remanded by Chief Judicial Magistrate, Kabirdham. As per the allegation, 7.920 bulk liters of country

made 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 on the basis of quantity of liquor so seized and also earlier Complaint No.248/2009 under Sections 107 and 116(3) of the CrPC has been registered against the applicant.

5. Perused the entire material.

6. The applicant is in custody for one month and twenty six days, charge sheet is not yet filed, the trial may take some time for its conclusion, he never involved in any of the crime earlier though one matter of preventive proceedings has been initiated against the applicant, after 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 Chief Judicial Magistrate, Kabirdharm 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