

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5057 of 2017**

- Devi Verma S/o Umendra Verma Aged About 25 Years R/o Village Bodri, Police Station Chakarbhatha, Bilaspur District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Chakarbhatha District Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Shri Sanjay Agrawal, Advocate
 For Respondent/State : Shri Wasim Miyan, 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 No.272/2017 registered by Police Station Chakarbhatha, Distt. Bilaspur (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 08.7.2017, charge sheet is not yet filed, the applicant has been remanded by Judicial Magistrate First Class, Bilha, Distt. Bilaspur. As per the allegation, 5.775 bulk liters of country made liquor has been seized from the possession of the applicant along with motor cycle bearing registration No.CG 10

AD 8914. 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 and would submit that following matters have been registered against the applicant prior to the present matter:

Sl. No.	Crime No./ Complaint No.	Offence U/S.
01.	187/2015	34(1)a of CG Excise Act, 1915.
02.	81/16	107, 116(3) of the CrPC
03.	81/2016	107, 116(3) of the CrPC
04.	269/2017	36(2) of CG Excise Act, 1915

5. Perused the entire material.

6. The applicant is in custody for one month and twenty days, charge sheet is not yet filed, aged about 25 years, the trial may take some time for its conclusion, though the applicant has involved in aforementioned matters, out of which two matters were in relation with preventive proceedings and remaining were of bailable one, after consideration of the entire facts, I am inclined to grant 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, Bilha 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 Chakrabhatta, Distt. Bilaspur **on 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 Police Station Chakrabhatta, Distt. Bilaspur as directed, the concerned police may inform the trial Court for the act and if his non 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.

12. 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