

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5252 of 2017**

- Mayank Sahu @ Vicky S/o Raju Sahu Aged About 21 Years R/o Loharsi Son Police Station Pachpedi, District Bilaspur, Chhattisgrh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

 For Applicant : Shri Vikas Shrivastava, Advocate
 For Respondent/State : Shri UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

31.8.2017

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.71/2017 registered in Police Station Pachpedi, 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 31.7.2017, charge sheet is not yet filed, the applicant has been remanded by Judicial Magistrate First Class, Bilaspur. As per the allegation, three accused persons including present applicant were standing on the spot and they were keeping 30.600 bulk liters of country made liquor. When they saw the police coming towards them, they all fled from the spot thereafter present applicant, co-accused Kishan Yadv and juvenile

co-accused Suraj were arrested. The Police has produced Suraj before the Juvenile Justice Board, Bilaspur from where he got the bail. Co-accused Kishan Yadav has not yet applied for bail. The applicant is the first offender, aged about 21 years, he will not commit any offence in future, as the trial may take sometime 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 the applicant fled from the spot after seeing the police party. Looking to the act of the applicant and also the quantity of liquor so seized, instant bail application may be dismissed, but he fairly considered that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. The applicant is in custody for one month, he is the first offender, aged about 21 years, as per the allegation he was not caught from the spot and arrested subsequently after the seizure of the liquor. The trial may take some time for its conclusion, as submitted, juvenile Suraj has already been granted bail by the Juvenile Justice Board, Bilaspur, and considering other 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 Judicial Magistrate First Class, Bilaspur 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 Panchpedi, 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 Panchpedi, 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.

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