

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5322 of 2017**

- Om Prakash Sarthi S/o Rohit Sarthi, aged about 20 years, occupation labour, R/o village Thaparda, Police Station and Tahsil Pusore, District – Raigarh (C.G.).

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Inchage, Excise Police, Raigarh, District - Raigarh (Chhattisgarh).

---- Non-applicant

For Applicant : Shri Manoj Kumar Jaiswal, Advocate.
 For Respondent/State : Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****07.09.2017**

1. 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, investigating Agency Excise Circle, Raigarh, Distt. Raigarh 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 28.07.2017. Charge-sheet is

not yet filed, the applicant has been remanded by Chief Judicial Magistrate Raigarh, (C.G.). As per allegation, 30 bulk liters of handmade country liquor has been seized. 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 the quantity of liquor so seized, though 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 and ten days till date, 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. 50,000/- with two solvent sureties each of 25,000/- to the satisfaction of Chief Judicial Magistrate - Raigarh Chhattisgarh, 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; (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

10. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Excise circle District-Raigarh every 1st and 3rd Monday of every month till the conclusion of the trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent reason and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

11. Register (Judicail) is directed to send a copy to this 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.

12. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Pawan