

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5421 of 2017**

- Trilochan Jolhe S/o Shankar Lal Johle, aged about 22 years, R/o village Basin Bahra, Police Station & Tahsil Sarangarh, District – Raigarh (C.G.).

---- Applicant**Versus**

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

---- Non-applicant

For Applicant : Shri Ashish Gupta, Advocate.
For Respondent/State : Shri Wasim Miyan, 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 No. 332/2017 registered in Police Station Sarangarh, 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 02.08.2017. After investigation charge-sheet has been filed, which is pending before Chief

Judicial Magistrate – Raigarh, (C.G) as Criminal case No. 522/2017. Applicant is the first offender, aged about 22 years. As per allegation, 7.200 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 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 five days till date, charge sheet has been filed, he is the first offender, aged about 22 years, 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 - 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. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge