

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5426 of 2017

- Paras Sahu, S/o Dhanaram Sahu, aged about 39 years, R/o. Village Sakin, Newarikala, P.S. Balod, District Balod (C.G.).

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Balod, District Balod (Chhattisgarh).

---- Non-applicant

For Applicant	: Shri Prasoon Agrawal, Advocate.
For Respondent/State	: Shri Vinod Tekam, 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. 258/2017 registered in Police Station Balod, Distt. Balod (C.G.), 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 20.07.2017. Charge-sheet is not yet filed, the applicant has been remanded by Chief

Judicial Magistrate Balod, (C.G.). As per allegation, 9 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. He further submits that earlier on 13.11.2012 complaint No. 362 has been initiated against the applicant Under sections 107 and 116 (3) of Cr.P.C. against the applicant.

5. Perused the entire material.

6. The applicant is in custody for one month and eighteen days till date, charge sheet is not yet filed, trial may take some time, applicant was never involved in any of the crime though as aforementioned about 5 years ago one preventive proceeding has been initiated, 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. 40,000/- with one solvent surety of like sum amount to the satisfaction of Chief Judicial Magistrate - Balod 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