

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5427 of 2017**

- Jugal Kishore Kesharwani @ Khorbahra son of Gokul Kesharwani, aged about 68 years, Resident of Pipariya, Tahsil-Kawardha, District-Kabirdham (C.G.).

---- Applicant**Versus**

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

---- Non-applicant

For Applicant : Shri Devesh Chandra Verma, 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. 139/2017 registered in Police Station Pipariya, Distt. Kabirdham (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 25.07.2017. After investigation Charge-sheet has been filed, which is pending before Chief

Judicial Magistrate Kawardha, (C.G.) as criminal case No. 741/2017. As per allegation, 5.400 bulk liters country made liquor has been seized. He is the first offender, aged about 68 years 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 though fairly submits 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 thirteen days till date, charge sheet has been filed, he is the first offender, aged about 68 years, the trial may take some time, as submitted he will not commit any offence in future, 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. 25,000/- with one solvent surety of like sum amount to the satisfaction of Chief Judicial Magistrate – Kawardha, 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