

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5471 of 2017**

- Dilip Kumar Chauhan @ Kaku S/o Late Mangal Singh, Aged About 35 Years R/o Dilip Pan Palace, Block No. 84, Quarter No. A, Camp 1, Bhilai, District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Chhawani, District Durg, Chhattisgarh.

---- Respondent

 For Applicant : Shri Rahim Ubwani, Advocate
 For Respondent/State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

07.9.2017

At the outset, learned counsel for the applicant would submit that he will file his vakalatnama to represent the applicant during the course of the day.

2. Heard the matter finally.

3. 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.338/2017 registered in Police Station Chhawani, Distt. Durg (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

4. Learned counsel for the applicant submits that the applicant has been arrested on 23.7.2017, after investigation, police has filed charge sheet which is pending before Judicial Magistrate First Class, Durg as Criminal Case No.5940/2017. As per the allegation, from the possession of the applicant 6.300 bulk liters of country made liquor/foreign 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.

5. Per contra, learned counsel for the respondent/State opposed the arguments advanced on behalf of the applicant on the basis of the quantity of liquor so seized from the applicant though fairly considered that there is no criminal antecedent reported against the applicant.

6. Perused the entire material.

7. The applicant is in custody for one month and fifteen days, charge sheet has been filed, the trial may take some time for its conclusion, the applicant is the first offender, as submitted he will not commit any offence in future, after consideration of the entire facts, I am inclined to grant one last opportunity to the applicant so that he will not commit any offence in future and shall remain peacefully in the society.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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 concerned trial Judge for his appearance before the said Court as and when directed.

10. 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.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE