

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5524 of 2017**

- Sunil Kumar Gupta S/o Kunj Bihari Gupta, Aged About 55 Years Occupation Business, R/o Ramanujganj Naka, In Front Of Kosa Farm, Ambikapur, P. S. And Tahsil Ambikapur District Surguja Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station, Station House Officer, Kotwali, Ambikapur District Ambikapur Chhattisgarh.

---- Non-applicant

For Applicant	: Shri A.K.Prasad, Advocate.
For Respondent/State	: Shri Anant Bajpayi, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****12.09.2017**

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. 422/2017 Registered in Police Station Kotwali, District Ambikapur, 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 18.07.2017. After investigation

charge-sheet has been filed which is pending before the Chief Judicial Magistrate Ambikapur (C.G.) as Criminal Case No. 1125/2017. As per allegation, 22.500 bulk liters of handmade Country liquor / Foreign liquor along with one Motor Cycle without any registration number in the number plate 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 from the applicant 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 1 month and 25 days till date, charge sheet has been 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 Rs. 25,000/- to the satisfaction of Chief Judicial Magistrate, Ambikapur, 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 Station Kotwali Ambikapur, Disstt. Ambikapur, on 1st Monday 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. The applicant further directed to submit necessary documents of the Motor cycle which has been seized from him, If available. If not, then inform the investigating agency and the concerned Court regarding name of the registered owner of the motor cycle, if known.
12. Register (Judicial) is directed to send a copy of 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.
13. Certified Copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)
Judge