

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5526 of 2017

- Khillu Nirmalker S/o Ballaram Nirmalker, Aged About 26 Years
R/o Bajrang Chowk Para, Tamasivni, Thana Aarang, District
Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Aarang, District
Raipur, Chhattisgarh.

---- Non-applicant

For Applicant	: Shri Krishna Kumar Dewangan, Advocate.
For Respondent/State	: Shri Wasim Miyan, 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. 86/2017 registered in Police Station Aarang, District Raipur 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 10.02.2017. After investigation Charge-sheet has been filed, which is pending before Judicial

Magistrate First Class Raipur, C.G. as Criminal Case No. 2352/2017. As per allegation, 9.000 bulk liters Country made 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 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 7 months and 2 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. 25,000/- with one solvent surety of like sum amount to the satisfaction of Judicial Magistrate First Class, Raipur, (C.G.), 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