

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5523 of 2017**

- Khaleel Khan S/o Late Guljher Khan, Aged About 50 Years R/o Village Raza Nagar, Ward No. 18, Tehsil/ P. S. Dongargarh District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh through The Excise Circle Dongargarh District Rajnandgaon, Chhattisgarh.

---- Non-applicant

For Applicant	: Shri S.S. Baghel, Advocate.
For Respondent/State	: Shri O.P. Sahu, Gov. Advocate.

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 (Excise) No. 74/2017 investigating agency Excise Circle Dongargarh, District Rajnandgaon 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 13.08.2017. After investigating charge-sheet has been filed which is presently pending before the Chief Judicial Magistrate Rajnandgaon as Criminal Case No.2771/17. As per allegation, 5.220 bulk liters of handmade Country liquor / Foreign liquor has been seized from 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 since last 31 days, charge sheet has been filed, he is the first offender, the trial may take some time. 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, Rajnandgoan, 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