

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5533 of 2017**

- Vijay Ku Khande S/o Vishnu Das Aged About 32 Years R/o Tingipur, Police Station Mungeli, Civil And Revenue District Mungeli, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- City Kotwali, District Mungeli, Chhattisgarh.

---- Respondent

 For Applicant : Shri Pallav Mishra, Advocate
 For Respondent/State : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

12.9.2017

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.448/2017 registered in Police Station City Kotwali, Mungeli (CG) 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 13.8.2017, charge sheet is not yet filed, the applicant has been remanded by Chief Judicial Magistrate, Mungeli. As per the allegation, 16.560 bulk liters of country liquor has been seized from the possession of the applicant. Learned counsel for the applicant would submit that the applicant will not commit any offence in future, as the trial may take some time for its conclusion, he may be enlarged on bail.

4. 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 and also earlier Crime No.260/13 under Section 34(1)(a) of the CG Excise Act, 1915 has been registered against the applicant.

5. Perused the entire material.

6. The applicant is in custody for thirty one days, charge sheet is not yet filed, though the applicant was involved in similar offence prior to the incident, but the said matter was bailable one and and it was about four years ago, on considering 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.

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.40,000/- with one solvent surety of like sum amount to the satisfaction of Chief Judicial Magistrate, Mungeli 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; 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