

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5557 of 2017**

- Sukhram Netam S/o Shri Hari Bandhu Netam, Aged About 50 Years Caste- Bhtra, R/o Village Turenar, Police Station Nagarnar, Tahsil & District Bastar, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Nagarnar District Bastar, Chhattisgarh.

---- Non-applicant

For Applicant	: Ms. Arpana Singh, Advocate.
For Respondent/State	: Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****13.09.2017**

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that crime number has been wrongly mentioned in the bail petition. Correct crime No. is 174/2017 and not 173/2017 hence the correct crime No. may be read.
3. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant in connection with Crime No. 173/2017 registered in Police Station Nagarnar, District Bastar C.G., 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 15.07.2017. After investigation Charge-sheet has been filed, which is pending before Judicial Magistrate First Class Jagdalpur, C.G. as criminal case No. 1140/2017. As per allegation, 6 bulk liters handmade Country 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.
5. Per contra, learned counsel for the State opposed the arguments advanced of the applicant and would submit earlier 2015 in the year two preventive proceedings under Section 107, 116 (3) of Cr.P.C. have been initiated against the applicant. Hence instant MCRC may be dismissed.
6. Perused the entire material.
7. The applicant is in custody for 2 months till date, charge sheet has been filed, never involved in any of the offence except for aforementioned preventive proceedings but as per settled provisions said proceeding stop after the expiry of six months of initiation, on considering 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.
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 the like sum to the satisfaction of Judicial Magistrate First Class, Jagdalpur, (C.G.), 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; (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.

11. Certified Copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)

Judge