

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5648 of 2017**

- Bali Baghel S/o Sampat Baghel, Aged About 38 Years Caste Bhatra, R/o Village Turenar, P. S. Nagarnar, Tahsil & District Bastar Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, P. S. Nagarnar, Tahsil & District Bastar Chhattisgarh.

---- Non-applicant

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

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

1. Learned counsel for the applicant would submit that in the present matter correct crime Number is 173/2017 and on account of clerical mistake, she had mentioned the crime No. as 174/2017, hence the correct crime No. may be considered.
2. Heard the matter finally.
3. 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. 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. 1141/2017. As per allegation, 6 bulk liters handmade Country liquor has been seized from the conscious 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 on behalf of the applicant on the basis of the quantity of liquor so seized and also earlier in the year 2016 one preventive proceeding under Section 107, 116 (3) of Cr.P.C., and in the year 2011 offence under Section 145 of Cr.P.C. had been initiated against the applicant, hence the instant MCRC may be dismissed.
6. Perused the entire material.
7. The applicant is in custody for last 2 months till date, charge sheet has been filed, the trial may take some time for its conclusion, the applicant never involved in similar offence and though aforementioned preventive proceedings had been initiated against the applicant but the same are stopped after statutory period of six months, there is no any penal offence registered against him, 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.

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