

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5579 of 2017**

- Subelal Chouhan S/o Jagat Ram Chouhan, Aged About 31 Years Caste Ganda, Occupation Cultivator And Labour, R/o Village Dhaurabhantha, Police Station & Tahsil Sarangarh, District Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station & Tahsil Sarangarh, District Raigarh Chhattisgarh.

---- Respondent

 For Applicant : Shri Manoj Kumar Jaiswal, Advocate
 For Respondent/State : Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

13.9.2017

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.319/2017 registered in Police Station Sarangarh, Distt. Raigarh (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 26.6.2017, after investigation charge sheet has been filed, which is pending before Chief Judicial Magistrate, Raigarh as Criminal Case No.536/2017. As per the allegation, 06.00 bulk liters of hand made country liquor has been seized from the possession of the applicant. Learned counsel for the applicant would submit that the the applicant 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 enlarged on bail.

4. Per contra, learned counsel for the respondent/State opposed the arguments advanced on behalf of the applicant and would submit that following preventive proceedings were initiated against the applicant prior to the present matter.

Sl. No.	Compliant No.	Offence U/S.
01.	230/2014	107, 116(3) CrPC
02.	295/2015	107, 116(3) CrPC
03.	334/2016	151, 107, 116(3) CrPC

5. Perused the entire material.

6. The applicant is in custody for one month and eighteen days, charge sheet has been filed, the trial may take some time for its conclusion, no penal or similar offence was registered against the applicant except the three preventive proceedings and as per the statute the said preventive proceedings were automatically closed after a period of six months. On consideration 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.25,000/- with one solvent surety of like sum amount to the satisfaction of concerned

trial Judge 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