

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5572 of 2017**

- Mohammad Avesh Khan S/o Late Hafeez Ullakhan, Aged About 21 Years R/o Taj Nagar, Near Sharma Khadan, Santoshi Nagar, Police Station Tikrapara, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Tikrapara, Civil & Revenue District Raipur Chhattisgarh

---- Respondent

 For Applicant : Shri Pushpendra Kumar Patel, Advocate
 For Respondent/State : Shri Arvind Shukla, 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.417/2017 registered in Police Station Tikrapara, Distt. Raipur (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 15.8.2017, charge sheet is not yet filed and the applicant has been remanded by Judicial Magistrate First Class, Raipur. As per the allegation, 5.760 bulk liters of country made liquor has been seized from the possession of the applicant. Learned counsel for the applicant would submit that the applicant is aged about 21 years, 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 though fairly submits that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. The applicant is in custody for one month, charge sheet is not yet filed, the trial may take some time for its conclusion, he is first offender, aged about 21 years, as submitted he will not commit any offence in future and considering the other 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

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