

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5663 of 2017**

- Radhe Patel S/o Ram Kishun Patel, Aged About 50 Years R/o Village Lata, P.S. Jarhagaon, District Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Takhatpur, District Bilaspur, Chhattisgarh

---- Respondent

 For Applicant : Shri HV Sharma, Advocate
 For Respondent/State : Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

18.9.2017

Heard the matter finally.

2. This is the 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.318/2017 registered in Police Station Takhatpur, Distt. Bilaspur (CG) for the offence punishable under 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 14.8.2017, charge sheet is not yet filed and the applicant has been remanded by Judicial Magistrate First Class, Takhatpur. As per the allegation, from the possession of present applicant 8.100 bulk liters of country made liquor has been seized. Learned counsel for the applicant would submit that the applicant is the first offender, he will not commit any offence in future. He may be given an opportunity to remain on bail as the trial may taken sometime.

4. Per contra, learned counsel for the State opposes the bail application on the basis of the quantity of liquor so seized but 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 and four days, charge sheet is not yet filed, the trial may take sometime, he is the first offender, upon 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 peaceful in 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.30,000/- with one solvent surety of like sum amount to the satisfaction of Judicial Magistrate First Class, Takhatpur, Distt. Bilaspur 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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