

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5598 of 2017**

- Sachin Dewangan @ Pappu S/o Late Dev Prasad Dewangan, Aged About 37 Years R/o Pathraguda, Jagdalpur, District Bastar, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Thana Kotwali, Jagdalpur, District Bastar, Chhattisgarh.

---- Non-applicant

For Applicant	: Shri Alok Kumar Dewangan, Advocate.
For Respondent/State	: Shri Sumit Jhawar, Panel Lawyer.

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

1. 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. 325/2017 registered in Police Station Kotwali Jagdalpur, District Bastar C.G., 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 12.08.2017. Charge-sheet is not yet filed, the applicant has been remanded by Chief

Judicial Magistrate, Jagdalpur, District Bastar. As per allegation, 5.760 bulk liters Foreign 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.

4. Per contra, learned counsel for the respondent/State opposed the arguments advanced on behalf of the applicant though fairly conceded that there is no criminal antecedent reported against the applicant.
5. Perused the entire material.
6. The applicant is in custody for 1 months 1 day till date, charge sheet is not yet filed, he is the first offender, the trial may take some time for its conclusion, 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.
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 Chief Judicial Magistrate, Jagdalpur, (C.G.), 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; (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.

10. Certified Copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)

Judge