

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5624 of 2017**

- Sanjay S/o Durjan Kathley, Aged About 19 Years Caste Satnami, Occupation Student B.A. 1st Year R/o Village Chachedi, Police Station Pipariya, Tahsil Kawardha, Civil & Revenue District Kabirdham, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Pipariya, District Kabirdham, Chhattisgarh.

---- Non-applicant

For Applicant	: Shri Dharmesh Srivastava, Advocate.
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****14.09.2017**

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. 164/2017 registered in Police Station Pipariya, District-Kabirdham, 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. After investigation charge-sheet has been filed, which is pending before Chief

Judicial Magistrate Kabirdham, C.G., as Criminal Case No. 822/2017. As per allegation, 6.120 bulk liters handmade Country 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 of the applicant though fairly considered that there is no criminal antecedent of the applicant.

5. Perused the entire material.

6. The applicant is in custody for 1 months 2 days, charge-sheet has been filed he is the first offender, 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 each of Rs. 25,000/- to the satisfaction of Chief Judicial Magistrate, Kabirdham, (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