

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5767 of 2017**

- Lallu Rajak S/o Shri Nanhu Baitha, Aged About 55 Years R/o Village Lurguttha, Police Station Ramanujganj, Balrampur, District Balrampur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Police Station Excise Circle Balrampur, District Balrampur, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Pushkar Sinha, Advocate.
 For Respondent/State : Shri Sumit Jhawar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****25.09.2017**

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. The applicant has been arrested in connection with crime (Excise) No. 45/2017 Investigating Agency Excise Circle Balrampur, Civil District- Ambikapur at Sarguja, 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 18.08.2017. Charge-sheet is not yet filed, the applicant has been remanded by Chief Judicial Magistrate Balrampur, Ramanujganj, Civil District

Ambikapur at Sarguja, C.G., As per allegation, 10 bulk liters handmade Country liquor has been seized from conscious 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 State opposed the arguments advanced of the applicant though fairly conceded that there is no criminal antecedent of the applicant.

5. Perused the entire material.

6. As the applicant is in custody for 1 month and 8 days, charge-sheet is not yet filed, trial may take some time for its conclusion, he is the first offender, there is no any criminal antecedent of the applicant, on consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he may 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. 40,000/- with one solvent surety of like sum amount to the satisfaction of Chief Judicial Magistrate, Balrampur, (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. The applicant is further directed to appear before the concerned IO/in-charge of the Excise Circle Balrampur, Civil District Ambikapur at Sarguja, on every 1st and 3rd Monday of every month at 11 am positively till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent reason and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

11. Certified Copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)

Judge