

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5701 of 2017**

- Raja Manhare S/o Jagannath Manhare, Aged About 35 Years
R/o Village Sandi, Police Station & Tahsil Pallari, District
Balodabazar, Chhattisgarh

----Applicant

Versus

- State Of Chhattisgarh Through Excise Circle Balodabazar,
District Balodabazar, Chhattisgarh

---- Respondent

 For Applicant : Shri Sumit Jhavar, Advocate
 For Respondent/State : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

20.9.2017

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 (Excise) No.93/2017 registered by investigating agency, Excise Circle Baloda Bazar-Bhatapara Distt. Baloda Bazar (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 22.8.2017, after investigation, police has filed charge sheet which is presently pending before Chief Judicial Magistrate Baloda Bazar as Criminal Case No.670/2017. As per the allegation, from the possession of applicant, 52.200 bulk liter foreign liquor has been seized. Learned counsel for the applicant submits that the applicant 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 on the basis of huge quantity of liquor so seized from the possession 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 has been filed, the trial may take some time for its conclusion, as submitted, he will not commit any offence in future, though the quantity of liquor so seized is on higher side, upon consideration of the entire 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.1,00,000/- with two separate solvent sureties of Rs. 50,000/- to the satisfaction of Chief Judicial Magistrate, Baloda Bazar 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.

10. It is further directed that till the conclusion of the trial, present applicant shall mark his appearance before the Station House Officer/IO, Police Station/Excise Circile Baloda Bazar, Distt. Baloda Bazar (CG) **on First and Third Monday of every month at 11.00 am.** It is further made clear that if the applicant fails to do so, the concerned police may inform the trial Court for the act and if his non appearance found to be without any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Registrar (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE