

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5743 of 2017**

- Narsingh S/o Krishano Gond, Aged About 35 Years R/o Baloda, Police Station Gidhouri (Tundra) District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Gidhouri, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

 For Applicant : Shri Anil Gulati, Advocate
 For Respondent/State : Shri Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

25.9.2017

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 No.137/2017 registered in Police Station Gidhouri, Distt. Baloda Bazar-Bhatapara (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 26.8.2017, charge sheet is not yet filed and the applicant has been remanded by Chief Judicial Magistrate, Baloda Bazar. As per the allegation, 11.00 bulk liters of handmade country liquor has been seized from the possession of the applicant. Learned counsel for the applicant submits that the applicant will not

commit any offence in future, as the trial may take some time for its conclusion, he may be enlarged on bail.

4. Per contra, learned counsel for the respondent/State opposed the arguments advanced on behalf of the applicant on the basis of the quantity of liquor so seized from the applicant and also criminal antecedent reported against him which are as follows:

Sl. No.	Crime No./Complaint No.	Offence U/S.
01.	07/2001	107, 116(3) of the CrPC
02.	01/2012	107, 116(3) of the CrPC
03.	12/2014	107, 116(3) of the CrPC

5. Perused the entire material.

6. The applicant is in custody for one month, charge sheet is not yet filed, the applicant was never involved in any of the similar offence or in any penal offence. Though three matters regarding preventive proceedings were initiated against him but the said matters were closed within six months of its initiation and no substantive jail sentence or fine sentence can be awarded in the said matters, as the trial may taken sometime for its conclusion, 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.40,000/- with one solvent surety of like sum amount to the satisfaction of remand

Court/trial Judge 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