

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5755 of 2017**

- Rajesh Das S/o Ganeshi Das, Aged About 30 Years R/o Dabripara, Baikunthpur, Police Station And Tahsil Baikunthpur, District Korea, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Baikunthpur, District Korea, Chhattisgarh

---- Respondent

 For Applicants : Shri Anil Gulati, Advocate
 For Respondent/State : Shri Wasim Miyan, 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.220/2017 registered in Police Station Baikunthpur, Distt. Korea (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicants submits that the applicant has been arrested on 12.8.2017, after investigation, charge sheet has been filed which is presently pending before Chief Judicial Magistrate Baikunthpur as Criminal Case No.642/2017. As per the allegation, 5.385 bulk liters of foreign /country liquor has been seized from the possession of the applicant. The applicant is the first offender, he will not commit any offence in future, as the trial may take sometime for its conclusion, he may be granted bail during trial.

4. Per contra, learned counsel for the respondent/State opposed the arguments advanced on behalf 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 since one month and fourteen days, charge sheet has been filed, there is no criminal past reported against the applicant, as the trial may take some time 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.25,000/- with one solvent surety of like sum amount to the satisfaction of Chief Judicial Magistrate, Baikunthpur 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

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