

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5955 of 2017**

- Bhajan Lal Tandan S/o Ganeshram Tandan, Aged About 39 Years R/o Jaitpur, Police Station Sarsiwa, Tahsil Bilaigarh, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Sarsiwa, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant	: Shri Ganesh Burman, Advocate.
For Respondent/State	: Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****09.10.2017**

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. 217/2017 registered in Police Station Sarsiwa, District Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act 1915.
3. Learned counsel for the applicant would submit that the applicant has been arrested on 30.08.2017. Charge-sheet is

not yet filed, the applicant has been remanded by Chief Judicial Magistrate, Balod Bazar. As per allegation, from the applicant 21 bulk liter handmade country liquor has been seized. Learned counsel for the applicant would submit that the applicant is the first offender and he will not commit any offence in future, as trial may take some time for its conclusion, he may be enlarged on bail.

4. Per contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant on the basis of the quantity of liquor so seized, though fairly conceded that the applicant has no criminal antecedent.
5. Perused the entire material.
6. As the applicant is in custody for 1 month 11 days till date, charge-sheet is not yet filed, trial may take some time, applicant is the first offender and he will not commit any offence in future, 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. Consequently, the instant MCRC is hereby allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs. 40,000/- with one solvent surety of like some amount 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; (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 SHO/IO/in-charge of the Police Station Sarsiwa, District Baloda Bazar - Bhatapara, 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. Addl. Register (Judicial) is directed to send a copy to this 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.

12. Certified Copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)

Judge

Pawan