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HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.1707 of 2017

1. Sudarshan Singh S/o Shri Lakhdev Singh. Aged About 40 Years R/o Village Madanpur, Thana- Madanpur, District- Aurangabad, Bihar
2. Sudeshwar Singh S/o Shri Ramdev Singh, Aged About 41 Years R/o Village- Ramuna, Thana- Gadwa, District- Palamu, Jharkhand

---- Applicants

Versus

- The State Of Chhattisgarh Through, The Station House Officer, Police Station- Chakradhar Nagar, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicants : Shri Sunil Sahu, Advocate
For Respondent/State : Shri Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

28.3.2017

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 applicants, who have been arrested in connection with crime No.46/2017 registered in Police Station Chakradhar Nagar, Distt. Raigarh for the offence punishable under Sections 34 (2) read with 59(A)of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that the applicants were in joint possession of 32.580 bulk liters of duty paid liquor and the same was seized by the police from the present applicants.

4. Learned counsel for the applicants submits that the applicants are in detention since 01.3.2017. Charge sheet is yet to be filed and the applicants have been remanded in the Court of Chief Judicial Magistrate, Raigarh. He further submits that applicants have no criminal background and have been falsely implicated in the case, and therefore, the applicants may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application and would fairly submit that as per the case diary, no criminal antecedent is reported against the applicants.

6. Perused the material.

7. On due consideration, considering the totality of the facts and circumstances of the case, considering the fact that the applicants are in detention since 01.3.2017, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that the applicants shall be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/- each with two solvent sureties in the like sum to the satisfaction of Chief Judicial Magistrate, Raigarh for their appearance before the said Court as and when directed.

10. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the Bench by the Cort below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicants remain 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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