

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1705 of 2017**

1. Nitin Singh S/o Late Kedar Singh, Aged About 36 Years R/o Main Road- Pamgarh, Police Station Pamgarh, District- Janjgir- Chmapa, Chhattisgarh. Mo. 8815143801
2. Heeramani Marawi, S/o Kunjbihari Marawi, Aged About 27 Years R/o Chandipara- Pamgarh, Police Station Pamgarh, District- Janjgir- Champa, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The District Magistrate, Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicants	: Shri MK Bhaduri, Advocate
For Respondent/State	: Shri Wasim Miyan, 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. 39/2017 registered in Police Station Akaltara, Distt. Janjgir-Champa for the offence punishable under Sections 34 (2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that the applicants were in joint possession of 54 bulk liters of duty paid plain 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 02.3.2017. Charge sheet has been filed and the same has been registered as Criminal Case No.232/2017. 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. But looking to the quantity of liquor so seized, their application may be dismissed.

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 02.3.2017 and also looking to the period of detention, 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, Janjgir 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 Court 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