

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1774 of 2017**

1. Tejram Pradhan S/o Deegrilal Pradhan, Aged About 50 Years
R/o Village Gohedadar, Chowki Bhavarpur, Police Station Basna,
District Mahasamund Chhattisgarh
2. Sohanlal Bhoi, S/o Dhaneshwer Bhoi, Aged About 32 Years R/o
Village Gohedadar, Chowki Bhavarpur, Police Station Basna
District Mahasamund Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Basna, District
Mahasamund Chhattisgarh

---- Respondent

For Applicants	: Shri Vikas Pradhan, Advocate
For Respondent/State	: Shri Neeraj Sharma, Dy. GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****29.3.2017**

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. 68/2017 registered at Police Station Basna, Distt. Mahasamund, for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that 20 liters country made Mahua liquor was seized by the police from the present applicants as they were travelling on a motorcycle No.CG 04 DC 1326.

4. Learned counsel for the applicants submits that charge sheet is yet not filed and the applicants are in detention since 22.02.2017. He further submits that applicants have no criminal background, therefore, they may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. I have heard the counsel appearing for the parties.

7. Without commenting on merits, considering the totality of the facts and circumstances of the case, small quantity of liquor and also considering the fact that the applicants are in detention since 22.02.2017 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 their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the C.J.M. Mahasamund for their appearance 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