

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1990 of 2017**

1. Pawan Batra S/o Shri Ravi Batra, Aged About 19 Years R/o Kohka Housing Board Bhilai, Thana Bhilai, Civil & Revenue District- Durg, Chhattisgarh.
2. Avinash Prajapati S/o Rajkumar Prajapati, Aged About 19 Years R/o LIG- 36, Vaishali Nagar Bhilai, Thana- Bhilai, Civil & Revenue District- Durg, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through : The Station House Officer, Police Station - Supela Police Out Post Vaishali Nagar, District -Durg, Chhattisgarh

---- Respondent

For Applicant	: Shri Sunil Sahu, Advocate
For Respondent/State	: Shri UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11.4.2017**

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.170/2017 registered in Police Station Outpost Vaishali Nagar, PS Supela, Distt. Durg for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicants submits that the applicants have been arrested on 01.3.2017, they were remanded by the Chief Judicial Magistrate, Durg and charge sheet is yet to be filed. Learned counsel for the applicants submits that as per

the allegation, from the joint possession of both the applicants, 36 bulk liters of country made liquor and 43.200 liters of foreign liquors in total 79.200 bulk liters have been seized and also vehicle No. CG 07 D 9900 is seized from them. The applicants are first offenders, they have been falsely implicated in the case, therefore, they may be released on bail.

4. Per contra, learned counsel for the State opposed the arguments advanced and would fairly submits that police has not collected any report regarding involvement of the applicants in similar or any other nature of offence prior to the instant incident.

5. Perused the entire material.

6. Though total quantity of liquor so seized from the joint possession of the applicants is on higher side, but both the applicants are aged about 19 years, with no criminal antecedent, vehicle involved in the said transaction is seized, looking to the age of the applicant and as they are in jail for amount a month and 11 days, I am inclined to grant last opportunity to the applicants so that they may lead a peaceful life in the society without committing any similar or any other offence.

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

8. It is directed that the applicants shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- each with one surety in the like sum to the satisfaction of Chief Judicial

Magistrate, Durg for their appearance before the said Court as and when directed.

9. It is further directed that till the conclusion of the trial, present applicants shall mark their appearance in Police Station Supela, Police Outpost Vaishali Nagar, Distt. Durg on first and third Monday of every month at 11.a.m. before the Head of the said Outpost/Incharge/IO as the case may.

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.

11. It is further made clear that if the applicants without any cogent and proper reason do not appear before the Police of Police Station Supela, Police Outpost Vaishali Nagar, Distt. Durg, twice in the month as directed, the concerned Police may inform the trial Court for the act and if their non appearance found to be without any proper and cogent reason, the instant order granting

bail to the applicants shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE

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