

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2078 of 2017**

1. Jasmat Bai W/o Ghanshyam Satnami, Aged About 25 Years R/o Village Mohtara, Thana Saja, District Bemetara Chhattisgarh
2. Gaucharan S/o Ramayan Marknde (Satnami), Aged About 34 Years R/o Village Mohtara, Thana Saja, District Bemetara Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Thana Saja, District Bemetara Chhattisgarh

---- Respondent

For Applicants	: Shri Samir Singh, Advocate
For Respondent/State	: Shri Anant Bajpai, PL

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

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 applicants, who have been arrested in connection with crime No.130/2017 registered at Police Station Saja, Distt. Bemetara, for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that 27 bulk liters country made liquor was seized by the police from the present applicants including one Ghanshyam Satnami/Banjare. The said Ghanshyam Satnami/Banjare absconded from the spot and the police duly seized the said 27 bulk litres of liquor from both the applicants.

4. Learned counsel for the applicants submits that the applicants are in detention since 15.3.2017. 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. Though he fairly conceded that earlier no criminal antecedents were reported against both the applicants and against the absconded accused, Ghanshyam Satnami/Banjare there are 8 different cases registered.

6. I have heard the counsel appearing for the parties and perused the material.

7. Without commenting on merits, considering the totality of the facts and circumstances of the case, quantity of liquor and also considering the fact that the applicants are in detention since 15.3.2017 and case of the present applicants is distinguishable from the case of absconded accused, Ghanshyam Satnami/Banjare, who is arrested later on, 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 each of them furnishing a personal bond in the sum of Rs.30,000/- with one surety each in the like sum to the satisfaction of the C.J.M. Bemetara 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