

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2365 of 2017**

1. Ravindra Pratap Saytode S/o Dholaram Saytode Aged About 36 Years R/o Village & Police Chowki Bhatgaon, Police Station- Bilaigarh, District- Balodabazar, Bhatapara, Chhattisgarh.
2. Pramod Kumar S/o Late Bharatlal Karsh Aged About 35 Years R/o Village & Police Chowki Bhatgaon, Police Station- Bilaigarh, District- Balodabazar, Bhatapara, Chhattisgarh.
3. Kheduram Sahu S/o Dhan Sahu Aged About 40 Years R/o Village & Police Chowki Bhatgaon, Police Station- Bilaigarh, District- Balodabazar, Bhatapara, Chhattisgarh.
4. Roghan Patel S/o Dharam Patel Aged About 60 Years R/o Singhichunwa Police Chowki Bhatgaon, Police Station- Bilaigarh, District- Balodabazar- Bhatapara, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station- Bilaigarh, District- Balodabazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Shri CR Sahu, Advocate
For Respondent/State	: Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****02.5.2017**

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.137/2017 registered in Police Station Bilaigarh, Distt. Baloda Bazar, Bhatapara 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 28.3.2017, they were remanded by Chief

Judicial Magistrate, Baloda Bazar, they are the first offenders, as per the allegation, 45 bulk liters of country made liquor has been seized from the joint possession of the applicants along with a four wheeler bearing registration No.CG 22 G 5570. He further submits that the applicants will not commit any offence in future, hence, they may be granted bail.

4. Per contra , learned counsel for the State opposes the bail application and would fairly submits that Bilaigarh Police has not reported any criminal antecedent about the applicants prior to the present incident. Looking to the quantity of liquor so seized from the applicants, their bail application may be dismissed.

5. Perused the entire material.

6. On due consideration of the fact that the applicants are in jail for one month and four days, they are the first offenders, and also considering the fact that from the joint possession of the applicants, 45 bulk liters of liquor has been seized and also the vehicle used for transportation of the liquor is also seized, as submitted, the applicants will not commit any offence in future, I am inclined to grant one opportunity to the applicants, so that they shall not commit any similar or other offence in future.

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.30,000/- each with one solvent surety of like sum to the satisfaction of Chief Judicial

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

9. 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