

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2380 of 2017**

1. Rakesh Rai S/o Sitaram Rai Aged About 25 Years R/o Village- Bharuhaguda, Police Station- Mungeli, District Mungeli, Chhattisgarh.
2. Chhote Lal S/o Sadaram Yadav Aged About 25 Years R/o Village- Majhgaon, Police Station & District Mungeli, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through, Station House Officer, Police Station- Lalpur, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant	: Shri Wasim Miyan, Advocate
For Respondent/State	: Shri UKS Chandel, 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.64/2017 registered in Police Station Lalpur, Distt. Mungeli for the offence punishable under Section 34(1), 34(2) and 59(A) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicants submits that the applicants have been arrested on 28.3.2017, charge sheet is yet to be filed, they were remanded by Judicial Magistrate First Class, Lormi, Civil District Bilaspur, they are the first offenders, as per the allegation, 09 bulk liters of country made liquor has been seized from the

possession of applicant Rakesh Rai and Motor Cycle bearing registration No. CG 28 0947 which was used for transportation of the said liquor has been seized from the possession of applicant Chhote Lal. 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 there is no criminal antecedent reported against the applicants.

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 quantity of liquor seized and also considering the seizure of the motor cycle which was used for transportation of the said liquor, 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 Judicial Magistrate First Class, Lormi 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