

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2428 of 2017**

1. Joshiram Khute & Anr. S/o Panchram Khute, Aged About 38 Years R/o Village Girsha, Police Station Sarsiwa, District- Baloda Bazar- Bhatapara, Chhattisgarh.
2. Pawan Nishad, S/o Firatram Nishad, Aged About 39 Years R/o Village Girsha, Police Station Sarsiwa, District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through: Station House Officer, Outpost Bhatgaon, Police Station Bilaigarh, District Baloda Bazar, Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Shri Anil Gulati, Advocate
For Respondent/State	: Shri Vinod Tekam, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****03.5.2017**

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.146/2017, registered at Police Station Out post Bhatgaon, Bilaigarh, District Baloda Bazar, Bhatapara (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that 10.140 bulk liters of foreign liquor was seized by the police from the joint possession of the present applicants.

4. Learned counsel for the applicants submits that the applicants are in detention since 31.3.2017. He further submits that charge sheet has not been filed and the applicants are remanded by CJM Baloda Bazar, Bhatapara. He submits that the applicants have no criminal background and have been falsely implicated in the case, and therefore, the applicants may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. He submits that against A1 2 matters for the preventive proceedings have been registered under Section 107, 116 CrPC and also the motorcycle has been seized along with foreign liquor was not bearing any registration number.

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

7. On due consideration, as the applicants are the first offender, they are in jail since 1 month and 4 days, they were never involved in similar offence earlier and though 2 matter under preventive proceedings were registered against applicant A1, but looking to the quantity of liquor so seized from their joint possession which is 10.140 Bulk liters, I am inclined to grant one last opportunity to the applicants so that they may not commit any offence in future and shall remain in the society peacefully.

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.25,000/- with one surety each in the like sum to the satisfaction of the C.J.M. Baloda Bazar, District Baloda Bazar, Bhatapara (CG) for their appearance before the said trial Court 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