

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2538 of 2017**

1. Ritesh Kewat S/o Bhanuram Kewat Aged About 21 Years R/o Village- Lawer, Police Station- Masturi, District- Bilaspur, Chhattisgarh.
2. Rupu Kaiwart S/o Hirau Kaiwart Aged About 22 Years R/o Village- Lawer, Police Station- Masturi, District- Bilaspur, Chhattisgarh.
3. Subhash Kaiwart S/o Banau Ram Kaiwart Aged About 21 Years R/o Village- Lawer, Police Station- Masturi, District- Bilaspur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through S H O Torwa, Bilaspur District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri UKS Chandel, Advocate
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****08.5.2017**

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.108/2017 registered in Police Station Torwa, Distt. Bilaspur for the offence punishable under Section 34(2) and 59 of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicants submits that the applicants have been arrested on 30.3.2017, charge sheet is yet to be filed and they have been remanded by Special Railway Magistrate, Bilaspur. The applicants are the first offenders and as per the allegation, the

applicants were carrying 21.40 bulk liters of liquor in a motor cycle bearing registration No.CG 22 G 4709. The Police seized said motor cycle and 3.240 liters of liquor from applicant No.1, 9 liters of liquor from applicant No.2 and 9 liters of liquor from applicant No.3. There is no criminal antecedent of any of the applicants, they will not commit any offence in future, hence, they may be released on bail.

4. Per contra , learned counsel for the State opposes the bail application and would fairly submit that Torwa Police has not noticed any criminal antecedent of the applicants prior to this incident.

5. Perused the entire material.

6. On due consideration, as all the applicants are in jail one month ten days, they are aged about 21 & 22 years, they are the first offenders, charge sheet is yet to be filed, the trial may take sometime for its conclusion, 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 each of them furnishing a personal bond in the sum of Rs.30,000/- with one solvent surety of like sum to the satisfaction of Special Railway Magistrate, Bilaspur 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