

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2447 of 2017**

1. Ashok Sahu S/o Mungu Ram Sahu Aged About 32 Years R/o Village Bhurbhushi, Police Station Gandai, District Rajnandgaon, Chhattisgarh.
2. Narayan Sahu S/o Jageshwar Sahu Aged About 44 Years R/o Village Kukurmuda, Police Station And Tahsil Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gandai, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sanjeev Sahu, Advocate
For Respondent/State	: Shri Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****04.5.2017**

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.65/2017 registered in Police Station Gandai, Distt. Rajnandgaon for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915 .

3. Learned counsel for the applicants submits that the applicants have been arrested on 29.3.2017, charge sheet is yet to be filed, the applicants were remanded by Additional Chief Judicial Magistrate, Khairagarh. The applicants are the first offender, as per the allegation, both the applicants were carrying 8.640 bulk liters of

country made liquor in a motor cycle bearing registration No.CG 08 AA 1153 which was being driven by appellant Narayan Sahu. The police seized liquor from appellant Ashok Sahu and the said motor cycle from appellant Narayan Sahu. They 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 the there is no criminal antecedent against the present applicants.

5. Perused the entire material.

6. On due consideration of the fact that the applicants are in jail for one month and seven days, charge sheet is yet to be filed, and also considering the quantity of liquor so seized, I am inclined to grant one opportunity to the applicants, so that they shall remain in the society without committing any 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.25,000/- each with two solvent sureties of like sum to the satisfaction of Additional Chief Judicial Magistrate, Khairagarh 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