

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2468 of 2017**

1. Shiv Dhruv . S/o Late Shri Bhaiyya Lal Dhruv, Aged About 32 Years R/o Village Hathband, Police Station Simga, District Baloda Bazar Bhatapara Chhattisgarh
2. Kamal Mishra, S/o Late Shri Durgesh Kumar Mishra, Aged About 43 Years R/o Village Hathband Police Station Simga, District Baloda Bazar Bhatapara Chhattisgarh

**---- Applicants****Versus**

- State Of Chhattisgarh Through Police Station Nevra District Raipur Chhattisgarh

**---- Respondent**


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| For Applicants       | : Shri Anil Gulati, Advocate      |
| For Respondent/State | : Shri Sumit Jhawar, Panel Lawyer |

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**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. 130/2017, registered at Police Station Nevra, Distt. Raipur(CG), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that 8.640 bulk liters of foreign liquor was seized by the police from the joint possession of present applicants as they were travelling on a Scooty bearing registration No.CG 04 HL 1586. Applicant No.1 was driving the Scooty. Nevra Police had seized the said liquor and Scooty from applicant No.1.

4. Learned counsel for the applicants submits that charge sheet is yet not filed and the applicants are in detention since 30.3.2017. They are remanded by the JMFC Tilda, District Raipur (CG). He further submits that applicants have no criminal background, the trial will take some time, therefore, they may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. However, he fairly conceded that there is no earlier criminal antecedent reported against the applicant.

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

7. Without commenting on merits, considering the totality of the facts and circumstances of the case, quantity of liquor and also considering the fact that the applicants are the first offender, they are in detention since 30.3.2017, charge sheet has not been filed and the trial will take some time, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

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 their furnishing a personal bond in the sum of Rs.30,000/- with one surety in the like sum to the satisfaction of the JMFC, Tilda for their appearance 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**