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HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.2574 of 2017

- Rajkumar Sahu S/o Santram Sahu, Aged About 23 Years R/o Village Uni, Police Station Seepat, Tahsil Masturi, District-Bilaspur, Chhattisgarh.
- Maheshwar Sahu S/o Harprasad Sahu, Aged About 28 Years R/o Village Uni, Police Station Seepat, Tahsil Masturi, District-Bilaspur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through: Station Hosue Officer, Police Station- Seepat, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Shri DC Verma, Advocate
For Respondent/State : Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

09.5.2017

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.67/2017 registered in Police Station Seepat, Distt. Bilaspur 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 31.3.2017, charge sheet is yet to be filed and both the applicants have been remanded by Judicial Magistrate First Class, Bilaspur. As per the allegation, on the date of incident, appellant No.2 was driving Motor Cycle bearing registration No.CG

10 S 7435 and appellant No.1 was carrying 9 bulk liters of country made liquor, the police seized the liquor and the motor cycle from respective respondents. The applicants will not commit any offence in future, they may be granted bail during trial as the trial may take sometime for its conclusion.

4. Per contra, learned counsel for the State opposes the bail application and would fairly submit that the applicants were never involved in any other offence prior to this incident.

5. Perused the entire material.

6. On due consideration of the fact that the applicants are in jail for one month and ten days, there is no criminal antecedent against the applicants and also looking to the quantity of liquor so seized, I am inclined to grant one last 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.40,000/- each with one solvent surety of like sum amount to the satisfaction of Judicial Magistrate First Class, 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 Cort 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

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