

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2570 of 2017**

1. Sanjay Verma S/o Shri Sarju Prasad Verma, Aged About 27 Years R/o Village- Raykheda, Police Station- Nevra, District- Raipur, Chhattisgarh.
2. Tikaram Verma, S/o Shri Nand Kumar Verma Aged About 25 Years R/o Village- Sinoudha, Police Station- Nevra, District- Raipur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through District Magistrate Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Vikram Singh, Advocate
For Respondent/State	: Shri Sumit Jhavar, 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.127/2017 registered in Police Station Nevra, Raipur 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 28.3.2017, charge sheet is yet to be filed and the applicants have been remanded by Judicial Magistrate First Class, Tilda, Raipur. As per the allegation, applicant No.2 was driving a recently sold motor cycle and the applicant No.2 was in

possession of 18 bulk liters of country made liquor. The said motor cycle and liquor has been seized from appellant No.1 and police arrested both the accused in the said crime. The applicants will not commit any offence, 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 thirteen days, considering the seizure of liquor and the motor cycle, there is no criminal antecedent against the applicants and considering the fact that the trial may take sometime for its conclusion, 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, Tilda, Raipur for his 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