

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2457 of 2017**

1. Dageshwar S/o Chain Singh Sahu, Aged About 37 Years R/o Village Mohera, Police Station- Magarlod, District- Dhamtari, Chhattisgarh.
2. Kanglu, S/o Punit Yadav Aged About 40 Years R/o Village Mohera, Police Station- Magarlod, District- Dhamtari, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Though Police Station, Gariyaband, District- Gariyaband, Chhattisgarh

---- Respondent

For Applicants	: Shri CR Sahu, Advocate
For Respondent/State	: Shri OP Sahu, GA

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. 57/2017 registered at Police Station Gariyaband, Distt. Gariyaband (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that 9.900 bulk liters of country made liquor was seized by the police from the joint

possession of the present applicants along with motorcycle No.CG 05 R 9190. Applicant No.1 was driving the motorcycle and applicant No.2 was sitting behind. Police had seized entire liquor and motorcycle from applicant No.1.

4. Learned counsel for the applicants submits that the applicants are in detention since 31.3.2017. He submits that charge has not been filed and the applicants are remanded by the CJM Gariyaband. He further submits that the applicants have no criminal background and have been falsely implicated in the case, and therefore, the applicants 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 material against the applicants for earlier involvement in the offence.

6. I have heard the counsel appearing for the parties.

7. On due consideration, looking to the fact that the applicants are in jail since 31.3.2017, charge has not been filed and there is no criminal antecedents of the applicants, 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 each of them furnishing a personal bond in the sum of Rs.30,000/- with one surety each in the like sum to the satisfaction of the C.J.M. Gariyaband for their appearance before the said trial Court 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 applicant does 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 remains 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**