

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2586 of 2017**

1. Dev Singh Gond S/o Late Shiv Singh Aged About 35 Years R/o Village Hindadih, Police Station- Seepat, Tahsil- Masturi, District- Bilaspur, Chhattisgarh.
2. Ganesh Patel S/o Milap Chand Patel Aged About 26 Years R/o Village Hindadih, Police Station- Seepat, Tahsil- Masturi, District- Bilaspur, Chhattisgarh.

---- Applicants**Versus**

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

---- Respondent

For Applicant	: Shri Atanu Ghosh, Advocate
For Respondent/State	: Shri Sumit Jhavar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10.5.2017**

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.63/2017 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 the applicants have been remanded by Judicial Magistrate First Class, Bilaspur. As per the allegation, the applicants were transporting 9 bulk liters of liquor in a motor cycle bearing

registration No.CG 10 NB 8524. The police seized the liquor from applicant No.1 and seized motor cycle from applicant No.2. They are the first offenders, they 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 eleven days, both are first offenders, considering the quantity of liquor so seized and other facts, I am inclined to grant one 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 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