

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2672 of 2017**

1. Jagdish Dadsena, S/o Madhu Dadsena Aged About 35 Years
R/o Village- Pilkiya, Post Office & Police Station- Junagarh,
District- Kalahandi, Orissa.
2. Ambuj Saraf S/o Bismber Saraf, Aged About 32 Years R/o
Village- Pilkiya, Post Office & Police Station- Junagarh, District-
Kalahandi, Orissa.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station- Devbhog, District- Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	: Shri Shivendu Pandya, Advocate
For Respondent/State	: Shri Anant Bajpai, 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.60/2017 registered in Police Station Devbhog, Distt, Gariyaband 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 not yet filed, both the applicants have been remanded by Chief Judicial Magistrate, Gariyaband. As per the allegation, both the applicants were transporting 17.28 bulk liters of foreign liquor in a

TVS Jupiter Scooty bearing registration No.OD 08 D 6361. The Police seized the liquor and the said two wheeler from the joint possession of the applicants. The applicants are the first offenders, they will not commit any offence in future, the trial may take sometime for its conclusion, hence they may be granted bail.

4. Per contra, learned counsel for the State opposes the bail application and would submit that looking to the quantity of liquor so seized from the applicants and the fact that both the applicants are residents of District Kalahandi (Orissa), instant application may be dismissed.

5. Perused the entire material.

6. As the applicants are in jail for one month eleven days, charge sheet is not yet filed, police has seized the aforementioned two wheeler and the liquor from the joint possession of both the applicants, the trial may take sometime, there is no earlier criminal antecedent against both the applicants before Dev Bhog police, 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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of Chief Judicial Magistrate, Gariyaband for their appearance before the said Court as and when directed. The applicants are further

directed to deposit the authenticated copy of the registration book and insurance of the current year before the trial Court and the Police for the purpose of facts finding regarding the registered owner of the said vehicle at the time of furnishing the bail bonds.

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