

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2730 of 2017**

- Kaleshwar Singh S/o Late Prem Singh Aged About 40 Years Caste Gond, R/o Village- Potedand, Police Station & Tahsil-Baikunthpur, District Koriya, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Baikunthpur, District Koriya, Chhattisgarh.

---- Respondent

AND**Misc. Criminal Case No.3083 of 2017**

- Satbeer Singh S/o Satranjan Singh, Aged About 30 Years R/o Korea Colliery, Police Station Korea, Tahsil Khadgawa, District Korea, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Baikunthpur, District Korea, Chhattisgarh.

---- Respondent

For Applicants	: Shri Sangeet Kumar Kushwaha and Shri Anil Gulati, Advocate
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****12.5.2017**

Both the above mentioned M.Cr.Cs are heard and disposed of by a common order as both the cases arise out of same crime number and incident.

2. These are the applications 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.98/2017 registered in Police Station Baikunthpur, Distt. Korea for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for respective applicants submit that the applicants have been arrested on 26.3.2017, after investigation, charge sheet has been filed against the applicants which is pending before Chief Judicial Magistrate, Baikunthpur as Criminal Case No.286/17. As per the allegation, from joint possession of both the applicants and co-accused Uday Bahadur, 17.280 bulk liters of foreign liquor along with a four wheeler Marshal bearing registration No.CG 10 BA 2204 have been seized, as they were transporting the same in the said four wheeler. Co-accused Uday Bahadur was also arrested but as per the information of the counsel, he has not filed bail application for his release. 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 applications and would submit that the applicants were transporting 17.280 bulk liters of foreign liquor along with co-accused in a four wheeler, which shows the conduct of the applicants that they were in an illegal sale of the liquor, but the police of Baikunthpur has not noticed any previous offence against the present applicants.

5. Perused the entire material.

6. On due consideration of the fact that the applicants are in jail for one month eighteen days, there is no criminal antecedent reported against any of the applicants, the entire liquor and the four wheeler has been seized from the applicants, as submitted, co-accused was also arrested and also considering that the trial may take sometime for its conclusion and also quantity of liquor so seized from the joint possession of the applicants, 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 applications filed under Section 439 of the Cr.P.C. are allowed.

8. 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 solvent surety of like sum to the satisfaction of Chief Judicial Magistrate, Baikunthpur, 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.

A copy of this order be kept in the record of M.Cr.C. No.3083/2017.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE