

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2769 of 2017**

1. Amritlal S/o Bichik Lal Nishad, Aged About 45 Years R/o Village Chandrakhuri, Chowki Bhavarpur Police Station And Tahsil Basna, District Mahasamund Chhattisgarh
2. Shatrughan, S/o Resham Lal, Aged About 60 Years Cast Teli, R/o Village Chandrakhuri, Chowki Bhavarpur Police Station And Tahsil Basna, District Mahasamund Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Basna, (Chowki Bhavarpur) District Mahasamund Chhattisgarh

---- Respondent

For Applicant	: Shri Vikas Pradhan, Advocate
For Respondent/State	: Shri Neeraj Sharma, Dy.Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****16.5.2017**

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.128/2017 registered in Out Post Bhavarpur, Police Station Basna, Distt. Mahasamund for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicants submits that the applicants have been arrested on 30.3.2017, charge sheet is not yet filed and the applicants have been remanded by the Chief Judicial Magistrate, Mahasamund. The applicants are the first offenders, as per the allegation, police has seized 9.00 bulk liters of country made liquor

along with motor cycle bearing registration No. CG 06 B 2971 from the joint possession of the both the applicants, they will not commit any offence in future, hence, they may be granted bail.

4. Per contra, learned counsel for the State opposes arguments advanced on behalf of the applicants and would fairly submit that the applicants were not involved in any of the crime earlier.

5. Perused the entire material.

6. On due consideration of the fact that the applicants are in jail for one month and eighteen days, charge sheet is not yet filed, the trial may take sometime for its conclusion, there is no criminal antecedent reported against the applicants, and also considering the quantity of liquor so seized from the joint possession of the applicants, 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.30,000/- each with one solvent surety of like sum to the satisfaction of Chief Judicial Magistrate, Mahasamund 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