

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2740 of 2017**

1. Tulsh Ratre S/o Kushl Lal Aged About 27 Years R/o Village Kaudkera, Thana Rajim, District Gariyaband, Chhattisgarh.
2. Yuvraj S/o Narayan Manhare Aged About 19 Years R/o Village Kaudkera, Thana Rajim, Distt. Gariyaband, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Police Station Fingeshwar, District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	: Shri Suresh Tondon, Advocate
For Respondent/State	: Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****15.5.2017**

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.29/2017 registered in Police Station Fingeshwar, Distt. Gariyaband 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 yet to be filed, the applicants have been remanded by Chief Judicial Magistrate, Gariyaband. The applicants are the first offender, as per the allegation, both the applicants were transporting 8.625 bulk liters of country made liquor in a Motor Cycle bearing registration No.CG 04

KV 9381. The police has seized the said motor cycle from applicant No.1 and the liquor from appellant No.2 and made both the accused as they were jointly transporting the said liquor. The applicants will not commit any offence in future, hence, they may be granted bail.

4. Per contra, learned counsel for the State opposes the bail application and would fairly submit that Police has not noticed any criminal antecedent against the applicants prior to this case.

5. Perused the entire material.

6. On due consideration of the fact that the applicants are in jail for 1 ½ months, charge sheet is not yet filed, trial may take sometime for its conclusion, and also considering the quantity of liquor so seized, 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, Gariyaband 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