

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2831 of 2017**

1. Puniram Khadiya S/o Sunder Khadiya Aged About 35 Years Occupation Labourer R/o Village Banhar, Police Station Kotra Road, Raigarh, District Raigarh, Chhattisgarh.
2. Shyam Sunder Khadiya S/o Munu Khadiya Aged About 40 Years Occupation Labourer R/o Village Banhar, Police Station Kotra Road, Raigarh, District Raigarh, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Throuhg Station House Officer Police Station Bhupdevpur, District- Raigarh , Chhattisgarh.

---- Respondent

For Applicant	: Shri Ashish Gupta, Advocate
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17.5.2017**

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.49/2017 registered in Police Station Bhupdevpur, Distt. Raigarh 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 29.3.2017, charge sheet is not yet filed and the applicants have been remanded by the Chief Judicial Magistrate, Raigarh. The applicants are the first offender, as per the allegation, bot the applicants were carrying 9.00 bulk liters of country made

liquor in a motor cycle bearing registration No.CG 13 B 7491. The Police has seized motor cycle from applicant No.1 and the liquor from applicant No.2. They will not commit any offence in future, as the trial may take sometime for its conclusion, 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 no criminal antecedent is reported against the applicants prior to the incident.

5. Perused the entire material.

6. On due consideration of the fact that the applicants are in jail for one month and twenty days, charge sheet is not yet filed, the trial may take sometime for its conclusion, and looking to the quantity of liquor so seized in the matter, 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, Raigarh 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