

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2824 of 2017**

- Nand Kumar, S/o Shyam Lal Verma, Aged About 48 Years R/o Village Padkidih, Police Station Suhela, Tehsil Simga, District Baloda Bazar Bhatapara, Chhattisgarh.
- Nutan @ Naveen Kumar, S/o Kashiram Nishad, Aged About 21 Years R/o Village Padkidih, Police Station Suhela, Tehsil Simga, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Bhatapara City, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sumit Jhawar, Advocate
For Respondent/State	: Shri OP Sahu, Govt. Advocate.

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.125/2017 registered in Police Station Bhatapara City for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicant submits that the applicant has been arrested on 30.3.2017, after investigation, charge sheet has been filed against both the applicants which is pending before Chief Judicial Magistrate, Baloda Bazar as Criminal Case No.271/2017. The applicants are the first offenders, as per the

allegation, the applicants were carrying 8.260 bulk liters of country made liquor in a motor cycle bearing registration No.CG 04 LN 7694. Police has seized the said liquor and motor cycle from applicant No.2 and filed charge sheet against both the applicants. The applicants 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 there is no criminal antecedent reported against the applicants.

5. Perused the entire material.

6. On due consideration of the fact that the applicants are in jail for one month and nineteen days, charge sheet has been filed, the trial may take sometime for its conclusion, the applicants are the first offenders and also on due consideration of 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, Baloda Bazar 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