

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4403 of 2017**

- Purushottam Sahu S/o Late Laxman Sahu Aged About 30 Years R/o Village Khola, Police Station Abhanpur, District Raipur, Chhattisgarh.
- Gendram Vishwakarma S/o Shri Devi Ram Vishwakarma Aged About 30 Years R/o Village Khola, Police Station Abhanpur, District Raipur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Abhanpur, District Raipur, Chhattisgarh.

---- Respondent

For Applicants	: Shri Pushpendra Kumar Patel, Advocate
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****08.8.2017**

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.189/2017 registered in Police Station Abhanpur, Distt. Raipur (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicants submits that the applicants have been arrested on 12.6.2017, after investigation police has filed charge sheet which is pending before Judicial Magistrate First Class, Raipur as Criminal Case No.5494/2017. Learned counsel for the applicants submits that the applicants are

the first offenders, as per the allegation, from the joint possession of both the applicants, 5.940 bulk liters of country made liquor and one motor cycle has been seized. The applicants 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 arguments advanced on behalf of the applicants on the basis of the quantity of liquor so seized but fairly considered that there is no criminal antecedent reported against the applicants.

5. Perused the entire material.

6. As the applicants are in custody for one month and twenty six days, charge sheet has been filed, the trial may take sometime for its conclusion, they are the first offenders, on due consideration of the other facts, I am inclined to grant one opportunity to the applicants so that they will not commit any offence in future and shall remain peacefully in the society without committing any 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.25,000/- each with one solvent surety of like sum amount to the satisfaction of the Judicial Magistrate First Class, Raipur 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