

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4434 of 2017**

- Ramakant Dhivar S/o Daulat Dhivar, Aged About 22 Years R/o Chandrakhuri Basti, Police Station Mandir Hasoud, Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri Vikram Singh, Advocate
 For Respondent/State : Shri Anant Bajpai, Panel Lawyer

AND**Mics. Criminal Case No. 4460 of 2017**

- Narendra Suryavanshi S/o Heeraman Suryavanshi Aged About 20 Years R/o Chandkhuri Basti, Police Station Mandir Hasaud, Revenue & Civil District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mandir Hasaud, Revenue & Civil District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri AP Sharma, Advocate
 For Respondent/State : Shri Sumit Jhavar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****09.8.2017**

As both the above mentioned bail applications arise out of same accident and crime number, both are heard and disposed of by a common order.

2. These are the applications 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.177/2017 registered in Police Station Mandir Hasoud, 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 13.6.2017, after investigation, concerned police has filed charge sheet, which is pending before Judicial Magistrate First Class, Raipur as Criminal Case No.5854/17. As per the allegation, 6.120 bulk liters of foreign liquor and sale proceed of Rs.360/- has been seized from the joint possession of the applicants. The applicants are the first offenders, they 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 facts of the case and the quantity of liquor so seized from the possession of the applicants, but fairly submits that there is no criminal antecedent reported against the applicants.

5. Perused the entire material.

6. The applicants are in custody for one month and twenty seven days, charge sheet has been filed, the trial may take sometime for its conclusion, they are the first offenders, they are

aged about 22 and 20 years and considering the other facts, I am inclined to grant bail to the applicants.

7. Accordingly, the bail applications 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 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.

10. A copy of this order be kept in the record of M.Cr.C. No.4460/2017.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE

