

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4563 of 2017**

1. Praveen Verma S/o Shri Dileep Verma Aged About 37 Years R/o Village Tore, Police Station Dharsiwan, District Raipur Chhattisgarh.
2. Sureet Yadav S/o Late Awadh Yadav Aged About 50 Years R/o Village Tore, Police Station Dharsiwan, District Raipur Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through S.H.O. Police Station Dharsiwan, Raipur District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Shri Pushkar Sinha, Advocate
For Respondent/State	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11.8.2017**

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.274/2017 registered in Police Station Dharsiwan, 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 28.6.2017, after investigation, Police has filed charge sheet against both the applicants which is pending before Judicial Magistrate First Class, Raipur as Criminal Case No.5521/2017. As per the allegation, both the applicants

were going in a motor cycle, the police during investigation seized the said motor cycle from applicant No.1 and 17.280 bulk liters of foreign liquor has been seized from applicant No.2. They are the first offenders, they will not commit any offence in future, as the trial may take sometimes for its conclusion, the applicants may be released on bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicants on the basis of the huge quantity of liquor so seized from the joint possession of the applicants, but fairly submits that there is no criminal antecedent reported against the applicants.

5. Perused the entire material.

6. As both the applicants are in custody for one month and thirteen days, charge sheet has been filed, trial may take sometimes for its conclusion, they are the first offenders, though the quantity of liquor so seized is on higher side, but considering the entire facts, I am inclined to grant bail to the applicants.

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.50,000/- each with two separate solvent sureties of Rs.25,000/- each to the satisfaction of 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