

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4649 of 2017**

1. Nandkumar Kurre S/O Shri Pardeshi Kurre, aged about 35 years, R/O. Village-Pali, Thana-Khallari, Civil & Revenue Distt.-Mahasamund (C.G.).
2. Jagmohan @ Marau Bharadwaj S/O Manjhi Bharadwaj, aged about 40 Years, R/o Village-Pali, Thana-Khallari, Civil & Revenue Distt.-Mahasamund (C.G.).

---- Applicants

Versus

- State of Chhattisgarh Through : The Excise Officer, Excise Circle- Pithora, District-Mahasamund (C.G.).

---- Respondent

For Applicant	: Shri Vikash Pradhan, Advocate
For Respondent/State	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****16.8.2017**

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 has been arrested in connection with Crime No.96/2017 registered in Police Station Khallari, District- Mahasamund (CG) for the offence punishable under Section 34 (2) of the CG Excise Act, 1915.
3. Learned counsel for the applicant submits that the applicants have been arrested on 13.06.2017, after investigation, concerned police had filed charge sheet against applicants

which is pending before Chief Judicial Magistrate, Mahasamund Dist- Mahasamund (C.G.) as criminal case Number S-536/17. As per allegation, from the joint possession of both the applicants 6.300 bulk litter country liquor has been seized. They will not commit any offence in future if granted bail, they may be granted bail as the trial may take time for its final conclusion.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf the applicant and would submit that against the applicant no. 2-Jagmohan, following matters have been registered prior to the incident:-

Sr. No	Crime No.	Under Section
1.	28/2013	36-C of CG Excise Act, 1915.
2.	58/2017	294, 323, 506 of IPC.
3.	73/2015	34-A of the CG Excise Act, 1915.
4.	Complaint no. 33/2013	107, 116 Sub-Section 3 of the Cr.P.C.

Looking to his criminal antecedent the instant M.Cr.C. may be dismissed.

5. Perused the entire material.

6. As both the applicants are in custody since 2 months, 3 days till date, charge sheet has been filed, the trial may take sometimes for its conclusion, as aforementioned 4 matters have been registered against the Applicant No. 2- Jagmohan in which one matter is in relation with preventative proceeding; two other matters of the similar Excise Act; two of them were bailable in nature and only one matter

for under penal offences has been registered. After consideration of entire facts, I am inclined to grant one opportunity to the applicant, so that he 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 surety of Rs. 30,000/- each to the satisfaction of Chief Judicial Magistrate, Mahasamund Dist.- Mahasamund (C.G.), 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 remains 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