

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4829 of 2017**

1. Rama Vasudeva S/o Jagdish Prasad Aged About 40 Years R/o Vasudev Papra Lakhagarh, Police Station & Tahsil Pithora, District Mahasamund Chhattisgarh.
2. Vinayak Yadav S/o Kabir Yadav Aged About 23 Years R/o Vimalpur Memra, Police Station & Tahsil Pithora, District Mahasamund Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pithora, District Mahasamund Chhattisgarh.

---- Respondent

For Applicant	: Shri Gurudev I Sharan, Advocate
For Respondent/State	: Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****21.8.2017**

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.121/2017 registered in Police Station Pithora, Distt. Mahasamund for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicants submits that the applicants have been arrested on 19.6.2017, after investigation police has filed charge sheet which is pending before Chief Judicial Magistrate, Mahasamund as Criminal Case No.1557/2017. As per the allegation, both the applicants were

going in a motor cycle bearing registration No.CG 06 GC 0484, the police during investigation seized the motor cycle from applicant No.1 and 6.660 bulk liters of foreign liquor from applicant No.2. The applicants are the first offenders, they will not commit any offence in future, as the trial may take some time for its conclusion, they may be granted bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf 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 two months and two days, charge sheet has been filed, they are the first offenders, the trial may take some time for its conclusion and considering the entire 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.

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 Chief Judicial Magistrate, Mahasamund 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