

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4828 of 2017**

1. Ashok Kumar Pal S/o Satelal Pal Aged About 45 Years R/o Lalkhadan Police Station Torwa District Bilaspur Chhattisgarh.
2. Budhhu Singh S/o Late Laxman Singh Aged About 60 Years R/o Lalkhadan Police Station Torwa District Bilaspur Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through District Magistrate Bilaspur And The Police Station Torwa, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Shri PK Tulsyan Advocate
For Respondent/State	: Shri Sumit Jhawar, 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.231/2017 registered in Police Station Torwa, Distt. Bilaspur 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 08.7.2017, after investigation police has filed charge sheet which is presently pending before Special Railway Magistrate, Bilaspur as Criminal Case No.2617/2017. As per the allegation, both the applicants were going in a motor cycle bearing registration No.CG 10 P 1893, the

police during investigation has seized motor cycle from applicant No.1 and 5.550 bulk liters of country made 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 one month and thirteen days, charge sheet has been filed, the trial may take some time for its conclusion, they are the first offenders and considering 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.

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 Special Railway Magistrate, Bilaspur 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