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**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No.4877 of 2017**

- Jhanak Patel S/o Bhauram Patel, Aged About 27 Years R/o Village Batora, Police Station Komakhan, Tahsil Komakhan District Mahasamund (Chhattisgarh).

**---- Applicant****Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Tumgaon District Mahasamund (Chhattisgarh).

**---- Respondent**


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For Applicant : Shri Vikash Pradhan, Advocate  
 For Respondent/State : Shri Sumit Jhawar, Panel Lawyer

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**AND****MCRC No. 4970 of 2017**

- Deepak Sharma S/o Shri Ramsharan Sharma, Aged About 28 Years R/o Nayapara Mahasamund, Tehsil And District Mahasamund, Civil & Revenue District Mahasamund, Chhattisgarh

**---- Applicant****Versus**

- State Of Chhattisgarh Through The Police Station Tumgaon Tehsil And District Mahasamund, Chhattisgarh

**---- Respondent**


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For Applicant : Shri ML Saket, Advocate  
 For Respondent/State : Shri Sumit Jhawar, Panel Lawyer

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****22.8.2017**

Both the above mentioned bail applications arise out of same incident and crime number, hence both are being 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 along with co-accused Mukesh Sahu in connection with Crime No.91/2017 registered in Police Station Tumgaon 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 10.7.2017, charge sheet is not yet filed and the applicants have been remanded by Chief Judicial Magistrate, Mahasamund. From the joint possession of all the three accused persons, 8.280 bulk liters of country made liquor has been seized. Co-accused Mukesh Sahu has also filed MCRC No.5066/17 but the said matter is not ripe for hearing. Looking to the entire facts, the applications may be allowed.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicants and would submit that both the applicants along with co-accused were in illegal possession of 8.280 bulk liters of country made liquor, hence their applications may be dismissed but fairly considered 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 twelve days, charge sheet is not yet filed, the trial may take some time for its conclusion, both the applicants are first offenders, they are aged about 27 & 28 years, on consideration of 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 applications filed under Section 439 of the Cr.P.C. are 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 trial Court 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