

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5765 of 2017

- Dinesh Patle S/o Shidhram Patle, Aged About 22 Years R/o Village Kewtara, Pachpedi Chowki, Police Station Masturi, District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Pachpedi Chowki, Police Station Masturi, District Bilaspur Chhattisgarh.

---- Non-applicant

And

MCRC No. 5772 of 2017

- Mithun Patle S/o Ramsatta Patle, Aged About 23 Years R/o Village Kewtara, P.S. Pachpedi Chowki, P.S. Masturi, District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. P.S. Masturi/ Chowki Pachpedi District Bilaspur, Chhattisgarh

For Applicant	: Shri Vijay Kumar Sahu, Advocate.
For Respondent/State	: Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

25.09.2017

1. As the MCRC No. 5765/2017 and MCRC No. 5772/2017 arise out of the same crime and incident, hence both are being disposed of by the common order.

2. Heard the matter finally.
3. These applications are 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. 107/2017 registered in outpost Panchpedi, Police Station Masturi, District Bilaspur, C.G., for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act 1915.
4. Learned counsel for the applicant submits that the applicants have been arrested on 18.08.2017. Charge-sheet is not yet filed, both the applicants are remanded by Judicial Magistrate First Class Bilaspur, C.G. As per allegation, 12 bulk liters of handmade Country liquor has been seized from the applicant Mithun Patle and Rs. 425/- from the applicant Dinesh Patle. Both the applicants are first offender, they will not commit any offence in future. As the trial may take some time for its conclusion, they may be granted bail.
5. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicants, on the basis of quantity liquor so seized, though fairly conceded that there is no criminal antecedent reported against both the applicants.
6. Perused the entire material.
7. As the applicants are in custody since 1 month 8 days, charge sheet is not yet filed, they are the first offender, the trial may take some time, 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.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that the applicants shall be released on bail on each of their furnishing a personal bond in the sum of Rs. 40,000/- with one solvent surety of like sum amount to the satisfaction of Judicial Magistrate First Class Bilaspur, C.G., for their appearance before the said Court as and when directed.
10. 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; (iv) the trial Court finds that the applicants remain absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.
11. The applicant are further directed to appear before the concerned SHO/IO/in-charge of the Police Station Masturi, District Bilaspur, C.G., on every 1st and 3rd Monday of every month at 11 am positively till trial. If the applicants fails to do so, concerned police may intimate the trial Court and if the

trial Court held that the applicants remain absent without any cogent reason and proper reason as directed, the bail granted to applicants shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

12. Certified Copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)

Judge