

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5753 of 2017**

1. Dashrath S/o Saupat Yadu, Aged About 30 Years R/o Village Patai, Thana Pachpedi, District Bilaspur, Chhattisgarh
2. Ramratan S/o Kaliram Yadav, Aged About 55 Years R/o Village Oteband, Thana City Kotwali, Balodabazar, District Balodabazar-Bhatapara, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Out Post Malhar, Police Station Masturi, District Bilaspur, Chhattisgarh

---- Respondent

For Applicants	: Shri Samir Singh, Advocate
For Respondent/State	: Shri UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

25.9.2017

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.337/2017 registered in Out Post Malhar, Police Station Masturi, Distt. Bilaspur (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicants submits that the applicants have been arrested on 26.8.2017, charge sheet is not yet filed and the applicants have been remanded by Judicial Magistrate First Class, Bilaspur. As per the allegation, both the applicants were taking 5.760 bulk liters of country made liquor in a motor cycle bearing registration No.CG 22 AB 7107. The Police during investigation seized liquor from applicant No.1 and motor cycle 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 enlarged on bail.

4. Per contra, learned counsel for the respondent/State opposed the arguments advanced on behalf of the applicants though fairly submits that there is no criminal antecedent reported against the applicants.

5. Perused the entire material.

6. The applicants are in custody since last thirty one days, charge sheet is not yet filed, there is no criminal past reported against the applicants, as the trial may taken sometime for its conclusion, I am inclined to grant one last 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 Judicial Magistrate First Class, 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