

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5916 of 2017**

- Ramdayal Patel S/o Roshan Lal Patel, Aged About 25 Years R/o Village Machha, Police Station Masturi, District Bilaspur, Chhattisgarh
- Tilu Ram Patel S/o Ramlal Patel, Aged About 27 Years R/o Village Machha, Police Station Masturi, District Bilaspur, Chhattisgarh
- Nehru Prasad Patel S/o Jagatram Patel, Aged About 20 Years R/o Village Machha, Police Station Masturi, District Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Bilha, District Bilaspur, Chhattisgarh

---- Respondent

For Applicants	: Ms. Jyoti Rathore, Advocate
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

09.10.2017

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.275/2017 registered in Police Station Bilha, 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 28.8.2017, charge sheet is not yet filed and the applicants have been remanded by Judicial Magistrate First Class, Bilha, Distt. Bilaspur. As per the allegation, from applicant No.1 Motor Cycle bearing registration No.CG 22 G 5662 has been

seized, 0.900 bulk liters of country made liquor has been seized from applicant No.2 and 6.480 bulk liters of country made liquor has been seized from applicant No.3 in total 7.380 bulk liters of liquor has been seized. Learned counsel for the applicants submits that the applicants are 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 for one month and thirteen days, charge sheet is not yet filed, there is no criminal past reported against the applicants, as the trial may take some time 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 remand Court/trial Judge 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