

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case.5917 of 2017**

- Sanjay Singh Thakur S/o Bachan Singh Thakur, Aged About 32 Years R/o Kashmiri Para Dongargarh, Police Station Dongargarh Tahsil Dongargarh Civil And Revenue District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Dongargarh, Civil & Rev. District Rajnandgaon Chhattisgarh.

---- Respondent

 For Applicant : Shri Keshav Dewangan, Advocate
 For Respondent/State : Shri Arvind Shukla, Panel Lawyer

AND**Misc. Criminal Case.5982 of 2017**

- Mahendra Verma @ Kattipar @ Guddu S/o Kumar Verma, Aged About 18 Years Caste Lodhi, R/o Village Muthiya Mohara, O.P. Mohara, Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Excise Circle Dongargarh, Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

 For Applicant : Shri SS Baghel, Advocate
 For Respondent/State : Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

09.10.2017

As the above mentioned bail applications arise out of same incident and crime number, 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 in connection with Crime No.263/2017 registered in Police Station Dongargarh, Distt. Rajnandgaon (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicants submits that applicant Sanjay Singh Thakur has been arrested on 12.8.2017 and from his possession 44.640 bulk liters of foreign liquor has been seized. Applicant Mahendra Verma was absconding at the time of the enquiry and he was arrested subsequently. 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 and would submit that looking to the quantity of liquor so seized and other facts, instant bail applications may be dismissed.

5. Perused the entire material.

6. Applicant Sanjay Singh Thakur is in custody for one month and twenty seven days, applicant Mahendra Verma is in custody for one month and five days, charge sheet is not yet filed, the trial may take some time for its conclusion, though the quantity of liquor so seized is on higher side, 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 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.1,00,000/- each with two solvent sureties of Rs.50,000/- 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.

10. It is further directed that till the conclusion of the trial, present applicants shall mark their appearance before the Station House Officer/IO, Police Station Dogargarh, Distt. Rajnandgaon (CG) **on First and Third Monday of every month at 11.00 am.** It is further made clear that if the applicants fail to do so, the concerned police may inform the trial Court for the act and if their non appearance found to be without any proper and cogent reason, the instant order granting bail to the applicants shall

automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Registrar (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

A copy of this order be kept in the file of MCRC No.5982/2017.

Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE